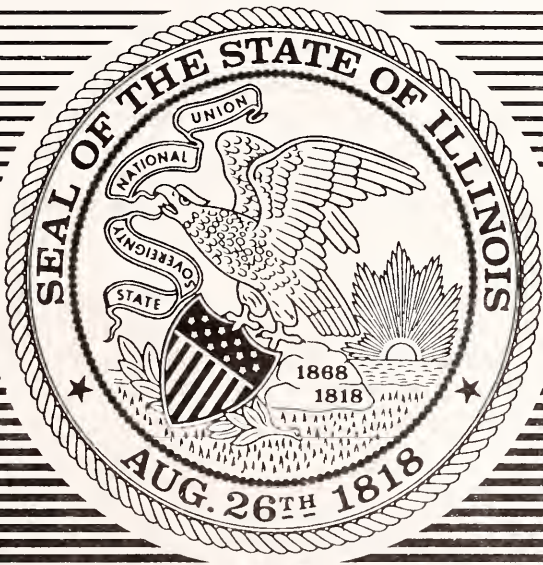


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REGISTER

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TABLE OF CONTENTS
August 10, 2001 Volume 25, Issue 32

PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Audits, Reviews, And Investigations	
89 Ill. Adm. Code 434	10062
Purchase Of Service	
89 Ill. Adm. Code 357	10067
COMMERCE COMMISSION, ILLINOIS	
Customer Credits	
83 Ill. Adm. Code 732	10073
HUMAN SERVICES, DEPARTMENT OF	
Minimum Standards For Certification Of Developmental Training Programs	
59 Ill. Adm. Code 119	10075
NUCLEAR SAFETY, DEPARTMENT OF	
Fees For Analytical Testing Of Community Drinking Water Supply Samples For Radionuclides	
32 Ill. Adm. Code 336	10091
PROCUREMENT POLICY BOARD	
General Policies	
2 Ill. Adm. Code 3002	10093
PUBLIC HEALTH, DEPARTMENT OF	
Alzheimer's Disease Management Center Demonstration Program Code	
77 Ill. Adm. Code 225	10097
TRANSPORTATION, DEPARTMENT OF	
Transporting Pupils Where Walking Constitutes A Serious Safety Hazard	
92 Ill. Adm. Code 556	10161

ADOPTED RULES

COMMERCE COMMISSION, ILLINOIS	
Uniform Electric Fuel Adjustment	
83 Ill. Adm. Code 425	10182
INSURANCE, DEPARTMENT OF	
Use Definitions Of The Terms "Noncancellable," "Noncancellable And Guaranteed Renewable," And "Guaranteed Renewable"	
50 Ill. Adm. Code 2003	10190
LABOR, DEPARTMENT OF	
Health And Safety	
56 Ill. Adm. Code 350	10196

Statewide Displaced Homemakers Program	
56 Ill. Adm. Code 365	10202

STATE UNIVERSITIES RETIREMENT SYSTEM	
Universities Retirement	
80 Ill. Adm. Code 1600	10206

EMERGENCY RULES

COMMERCE COMMISSION, DEPARTMENT OF	
Customer Credits	
83 Ill. Adm. Code 732	10219

EMPLOYMENT SECURITY, DEPARTMENT OF	
Disqualifying Income And Reduced Benefits	
56 Ill. Adm. Code 2920	10226

NUCLEAR SAFETY, DEPARTMENT OF	
Fees For Analytical Testing Of Community Drinking Water Supply Samples For Radionuclides	
32 Ill. Adm. Code 336	10233

STATE POLICE, DEPARTMENT OF	
Emission Inspection Training And Certification	
20 Ill. Adm. Code 1293, repeal	10240

NOTICE OF PUBLICATION ERROR

PUBLIC AID, DEPARTMENT OF	
Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)	
89 Ill. Adm. Code 149	10244
Medical Payment	
89 Ill. Adm. Code 140	10245

NOTICE OF PUBLIC INFORMATION

BANKS AND REAL ESTATE, OFFICE OF	
Notice Of Emergency Suspension Under The Residential Mortgage License Act of 1987	10250

LABOR, DEPARTMENT OF	
Contractor Prohibited From An Award Of A Contract Or Subcontract For Public Works Projects	10251

REGULATORY AGENDA

SECRETARY OF STATE	
Procedures And Standards	
92 Ill. Adm. Code 1001	10252

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received10266

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

01-410	A Soccer Odyssey Day	10267
01-411	GhanaFest Day	10267
01-412	Lex Mundi Days	10268
01-413	SRI Chinmoy Peace State	10268
01-414	Chitrahah Night 2001: A Reunion	10268
01-415	Heather's Law Day	10269
01-416	Buffalo Grove High School Fitness Center Day	10269
01-417	National Black Prosecutor Association Days	10270
01-418	Polish Soldier Day	10270
01-419	Schwaben Verein Days	10271
01-420	Ukrainian Independence Day	10271

ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

Issue 16-April	14, 2000:	Data Through March	31, 2000
Issue 29-July	14, 2000:	Data Through June	30, 2000
Issue 42-October	13, 2000:	Data Through September	30, 2000
Issue 3-January	19, 2001:	Data Through December	31, 2000 (Annual)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Audits, Reviews, and Investigations
- 2) Code Citation: 89 Ill. Adm. Code 434
- 3) Section Numbers: Proposed Action:
434.7 Amend
- 4) Statutory Authority: Implementing and authorized by Section 4 of the Children and Family Services Act [20 ILCS 505/4] and the Fiscal Control and Internal Auditing Act [30 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending this Part to raise the threshold for requiring an audit from its contractors.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do this proposed amendment contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Department of Children and Family Services
406 East Monroe, Station # 65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715
FAX: (217) 557-0692
E-mail: cfpolicy40idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses affected: Child welfare agencies, child care institutions, group homes, day care centers
 - B) Reporting, bookkeeping or other procedures required for compliance: Requires a certified audit
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This amendment was not anticipated when the last Regulatory Agenda was published.

The full text of the Proposed Amendment appears on next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER f: GENERAL ADMINISTRATION

PART 434

AUDITS, REVIEWS, AND INVESTIGATIONS

Section	Purpose
434.1	Definitions
434.2	Audit Standards
434.3	Internal Auditing
434.4	Scope of the Internal Audit/Review or Investigation
434.5	Reports of Internal Auditors
434.6	Exit Conferences
434.7	Certified Audits, Cost Reports and Desk Reviews
434.8	Records Maintenance and Availability for Audit
434.9	Responsibilities of the Office of Internal Audits
434.10	Administrative Hearings of Draft Audit Findings and Recommendations
434.11	Referrals by Department Employees to the Investigations Unit
434.12	Severability of This Part

AUTHORITY: Implementing and authorized by Section 4 of the Children and Family Services Act [20 ILCS 505/4] and the Fiscal Control and Internal Auditing Act [30 ILCS 101].

SOURCE: Adopted and codified at 5 Ill. Reg. 8634, effective September 1, 1981; amended at 8 Ill. Reg. 133, effective December 30, 1983; amended at 18 Ill. Reg. 6697, effective May 1, 1994; emergency amendment at 18 Ill. Reg. 8944, effective June 3, 1994, for a maximum of 150 days; emergency expired on October 31, 1994; amended at 19 Ill. Reg. 2760, effective February 27, 1995; amended at 21 Ill. Reg. 13469, effective December 15, 1997; amended at 25 Ill. Reg. _____, effective _____.

Section 434.7 Certified Audits, Cost Reports and Desk Reviews

- a) The Department's requirements for providers include the annual filing of a cost report (for all providers in accordance with 89 Ill. Adm. Code 357) and a certified audit of entities who receive annual payments in excess of \$150,000 \$507-000 in any one contract year. The certified audit for all entities must be completed and submitted within 180 calendar days after the completion of their fiscal year as required by Purchase of Service (89 Ill. Adm. Code 357.11 (f)). All Governmental and not-for-profit entities must complete audits in accordance with OMB Circulars A-128 or A-133, whichever is applicable.
- b) The certified audit and related cost reports are to be reviewed by the Internal Auditors and, when appropriate, a report on the certified audit or cost reports will be issued to Department officials who are

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

responsible for the contract(s). The general objectives of the desk review and report shall determine whether:

- 1) financial and service unit information is appropriately presented and is consistent with the generally accepted accounting principles;
 - 2) costs incurred in operating the contracted service are not less than the revenues received directly for the program;
 - 3) related party transactions are appropriately recorded and disclosed;
 - 4) significant accounting practices and other information that which require disclosure (as described by generally accepted accounting principles) are disclosed appropriately; and
 - 5) funds were used in accordance with Department policy and whether the entity has received monies in excess of actual reimbursable costs.
- c) The Office of Internal Audits is responsible for answering all questions regarding the preparation of a certified audit. If the Department has not received the certified audit by the deadline of 180 calendar days after the completion of the entity's fiscal year, the Office of Internal Audits will notify the entity of the delinquency and send a copy of the notice to Department regional administrative staff.
- d) All certified audits are logged in upon receipt by the Office of Internal Audits and an audit digest (summary of findings) is prepared for each audit received. If the audit does not contain adequate information, the Office of Internal Audits will send a letter to the entity to request additional information. If the certified audit does not meet the standards set out in subsection (a) of this Section, the entity will be given 30 business days to submit a new certified audit. The Office of Internal Audits will prepare a desk review report that which will highlight any deficiencies that are found in the audit and will contain specific recommendations for procedural changes in the preparation of certified audits. The completed desk review report will be sent directly to the entity, with a copy to appropriate Department regional staff.
- f) Department regional staff are responsible for reviewing the recommendations contained in the desk review report and providing assistance as necessary to the entity in follow-up on the recommendations made. The desk review report may contain recommendations for contract or budget revisions which must be acted upon by the regional staff.
- g) The desk review report may contain recommendations that which require an additional response from the entity before the certified audit is accepted. The entity's response and concurrence with the recommendations of the desk review report will close the desk review process.
- h) When the rates for group homes, institutions, independent living, homemakers, Medicaid and unmarried mothers services are set by audited

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

costs, the entity is exempt from recapture of any excess revenues associated with these services. The total amount of excess revenues identified during FY 1981-FY 1994 must be recorded as a liability on the entity's financial statements and may be retained by the entity until the specified program type is no longer in effect. If, beginning with State fiscal year 1995 and in any subsequent years, payments from the Department exceed expenses attributable for a specified program type, any excess revenues that ~~which~~ are identified will be recaptured during the following fiscal year contract period.

- i) Waiver of the certified audit requirement must be requested in writing and directed to the Department's Chief Auditor. The request should state the reason for the waiver request. A request for an extension of the deadline for submittal of the audit beyond the time specified in the contract must also be submitted in writing to the Chief Auditor. The Department's Chief Auditor will respond to requests for waivers or extensions within thirty business days, specifying approval or rejection of the waiver.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Purchase of Service
- 2) Code Citation: 89 Ill. Adm. Code 357
- 3) Section Numbers: Proposed Action:
357.120 Amend
357.140 Amend
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] and the Fiscal Control and Internal Auditing Act [30 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending this Part to raise the threshold for requiring an audit from its contractors and raising the value of equipment that must be returned to the Department upon contract termination.
- 6) Will these proposed amendments replace an emergency amendment currently in effect? No
- 7) Do these rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any proposed amendments to this Part pending? No
- 10) Statement of Statewide Policy Objectives: These amendments do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Department of Children and Family Services
406 East Monroe, Station # 65
Springfield, Illinois 62701-1498
(217) 524-1983
TTY: (217) 524-3715
FAX: (217) 557-0692
E-mail: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Child welfare agencies, child care institutions, group homes, day care centers
- B) Reporting, bookkeeping or other procedures required for compliance:
Requires a certified audit and inventory of certain equipment

C) Types of professional skills necessary for compliance: Accounting

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This amendment was not anticipated when the last Regulatory Agenda was published.

The full text of the proposed amendment appears on next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER C: FISCAL ADMINISTRATION

PART 357
PURCHASE OF SERVICE

Section

- 357.1 Purpose (Renumbered)
357.2 Definitions (Renumbered)
357.3 Procuring Services (Renumbered)
357.4 Issuance of Requests for Proposals (Renumbered)
357.5 Content of Requests for Proposals (Renumbered)
357.6 Evaluation of Proposals (Renumbered)
357.7 Notification of Awards (Renumbered)
357.8 Disclosure of Proposals (Renumbered)
357.9 Contract Approval (Renumbered)
357.10 Purpose
357.11 Fiscal Reports and Records (Renumbered)
357.12 Required Documentation (Renumbered)
357.13 Contract Termination (Renumbered)
357.20 Definitions
357.30 Purchase of Day Care Services
357.40 Procuring Services
357.50 Issuance of Requests for Proposals
357.60 Content of Requests for Proposals
357.70 Evaluation of Proposals
357.80 Notification of Awards
357.90 Disclosure of Proposals
357.100 Contract Approval
357.110 Compliance During the Contract Period
357.120 Fiscal Reports and Records
357.130 Required Documentation
357.140 Contract Termination

AUTHORITY: Implementing 42 CFR 431 and authorized by Section 5 of the Department of Children and Family Services Act [20 ILCS 505/5].

SOURCE: Adopted and codified at 5 Ill. Reg. 14546, effective December 29, 1981; amended at 6 Ill. Reg. 9294, effective July 26, 1982; amended at 8 Ill. Reg. 12127, effective July 13, 1984; amended at 9 Ill. Reg. 11292, effective July 15, 1985; amended at 13 Ill. Reg. 3344, effective March 1, 1989; amended at 21 Ill. Reg. 13160, effective October 1, 1997; amended at 25 Ill. Reg. _____, effective _____.

Section 357.120 Fiscal Reports and Records

- a) Purchase of service providers shall furnish the Department with any

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

required reports during the contract period. These reports shall detail functional expenses, revenues, and per person costs in a manner specified by the Department. Reports shall be received by the Department office responsible for contracts and grants within the time frames specified in the contract.

- b) When the contract expires or terminates prior to the end of the fiscal year, a report shall be submitted within 30 days after the expiration or termination of the contract.
- c) Any purchase of service provider (with the exception of day care providers) who receives more than \$150,000 \$50,000 from the Department within a fiscal year shall submit a certified independent audit using the guidelines developed by the Department. The Director or Chief Auditor of the Department shall waive audit requirements when a contract is with an individual provider and payment is not related to expenses. The Department may also request, at its sole discretion, certified audits from any purchase of service providers (including day care providers) to ensure compliance with Federal, State and Department requirements. The audit shall contain the following information:

- 1) an expression of the auditor's opinion on the financial statement;
- 2) a balance sheet;
- 3) a statement of revenue and expenses and changes in fund balance. This statement should specifically identify revenue received from the Department program(s). The cost of management and general expenses is to be shown;
- 4) a statement of functional expenses (expenses by program) in a multiple program agency;
- 5) notes on the financial statements that which include a note on revenues showing the total number of service units provided, measured in either hours, days, weeks, or months;
- 6) reports on review of internal controls;
- 7) report on compliance; and
- 8) a management letter from the certified independent audit firm that which specifies those accounting and internal control deficiencies that which merit attention.

- d) Purchase of service providers shall maintain financial records for five years from the expiration of each contract. The Department reserves the right to inspect all purchase of service records that which relate to services for which the Department provides funding. These records shall be kept according to the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations, a 1988 publication of the National Health Council, the National Assembly of National Voluntary Health and Social Welfare Organizations, Inc., and the United Way of America. These standards require accrual accounting. This incorporation by reference does not include any later amendments or editions to the previously cited publication.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- e) Reports are necessary to enable an evaluation of the costs for all providers offering the same services. Unless the Department determines that circumstances do not warrant the following action, noncompliance with fiscal reporting requirements will result in:
- 1) withholding of rate increases, if the provider does not comply with the fiscal reporting requirements as specified in the contract; or
 - 2) withholding of rate increases and non-renewal of the purchase of service contract, if the provider does not comply with the end of year fiscal reporting requirements.

- f) Unless the Department determines that circumstances do not warrant the following action, failure to submit the required audit, which must be submitted within 180 days after the end of the fiscal year, will result in:

- 1) non-renewal of the purchase of service contract, or
 - 2) termination of the purchase of service contract, or
 - 3) withholding of current contract payments for services provided.
- Such withholding of payments will occur 60 days after the provider has received written notice of the pending action from the Director of the Department.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 357.140 Contract Termination

- a) The Department of Children and Family Services and the purchase of service provider reserve the right to terminate a purchase of service contract at any time upon provision of 30 days written notice to the other party. However, if either party fails to comply with the terms of the contract, the contract may be terminated by the other party effective upon the date of written notice of termination.
- b) The Department shall not be liable for payment for service provided after the contract termination date or after the last child for whom the Department is making payment is removed from the provider's care, which ever is later.
- c) The agency shall return to the Department all funds received from the Department that which are in excess of actual costs of providing the contract services which were delivered before the contract was terminated.
- d) Upon expiration or termination of the contract, any building and equipment meeting the following two conditions shall be identified to the Department within 90 days and returned subject to final disposition decision: Any equipment-exceeding-\$900-market-value-at-the time-of-purchase-which-was-purchased-completely-with-State-or-Federal funds--that--the-Department-administers--shall-be-returned-to-the-State upon-contract-termination.
- 1) exceeding \$1,500 in value at the time of purchase with a useful

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- life of three years; and
- 2) purchased directly with Department funds and not included in an
acceptable cost allocation plan.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Customer Credits
- 2) Code Citation: 83 Ill. Adm. Code 732
- 3) Section Numbers: Proposed Action:
732.10 New Section
732.20 New Section
732.30 New Section
732.40 New Section

- 4) Statutory Authority: Implementing and authorized by Section 13-712 of the Public Utilities Act [220 ILCS 5/13-712].

- 5) A Complete Description of the Subjects and Issues Involved: On June 30, 2001, P.A. 92-0022 became effective, amending the Public Utilities Act (Act) and making significant additions to Article XIII of the Act. One of the added Sections is Section 13-712, dealing with basic local exchange service quality and customer credits. Section 13-712(c) requires the Illinois Commerce Commission (Commission) to promulgate service quality rules for basic local exchange service which may include customer credits as an enforcement mechanism. Subsection (d) lists the minimum requirements to be met by local exchange carriers. Subsection (e) states that the rules shall include provisions for customers to be credited by the telecommunications carrier for violations of basic local exchange service quality standards as described in subsection (d).

These proposed rules implement Section 13-712 of the Public Utilities Act. The rules repeat that statutory definitions and define terms that were left undefined in the statute. The rules recount the minimum statutory requirements for local service obligations and the credits due customers if the carriers do not meet these obligations. The rules also require the filing of tariffs by the carriers to implement these credit rules.

- 6) Will these proposed rules replace emergency rules currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Comments should be filed with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any telecommunications carriers providing basic local exchange service that are also small businesses as defined in the Illinois Administrative Procedure Act. These rules will affect any small municipalities or not for profit corporations that also provide basic local exchange service.

B) Reporting, bookkeeping or other procedures required for compliance:
Recordkeeping

C) Types of professional skills necessary for compliance: Managerial skills and engineering skills.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for these rules at that time.

The full text of the Proposed Rules is found in the Notice of Emergency Rules at page 10241 of this issue of the *Illinois Register*.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Minimum Standards for Certification of Developmental Training Programs

2) Code Citation: 59 Ill. Adm. Code 119

Section Numbers:	Proposed Action:
119.120	Amend
119.300	Amend
119.305	Amend
119.325	Amend
119.330	Amend

4) Statutory Authority: Implementing Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act (20 ILCS 1705/15.2) and the Health Care Worker Background Check Act (225 ILCS 46) and authorized by Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act.

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment changes the certification period from one year to three years and makes technical changes regarding Department surveys, certification denial, sanctions and revocation to make it consistent with other licensed and/or certified programs funded and monitored by the Department.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield IL 62762
217/785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Organizations and providers of developmental training services and programs

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This amendment was not anticipated at the time of filing of the last Regulatory Agenda.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 119

MINIMUM STANDARDS FOR CERTIFICATION OF DEVELOPMENTAL TRAINING PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section	
119.100	Applicability
119.110	Incorporation by reference
119.120	Definitions

SUBPART B: PROGRAM REQUIREMENTS

Section	
119.200	General requirements
119.205	Criteria for participation of individuals
119.210	Exclusion, suspension or discharge of an individual
119.215	Program staff
119.220	Interdisciplinary team (team)
119.225	Assessment of individuals
119.230	Individual services plan (plan)
119.235	Individual rights and confidentiality
119.240	Special training procedures
119.245	Committees
119.250	Medications and medical care
119.255	Environmental management
119.260	Administrative requirements
119.261	Application for waiver of the prohibition against employment
119.270	Accreditation

SUBPART C: CERTIFICATION REQUIREMENTS

Section	
119.300	Issuing a certificate and period of certification
119.305	Application for certification
119.310	Application acceptance and verification
119.315	Non-transferability of a certificate
119.320	Cessation of operations
119.325	Certificate sanctions and revocation denial
119.330	Hearings

AUTHORITY: Implementing Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.2] and the Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 14 Ill. Reg. 17227, effective October 9, 1990; emergency amendment at 16 Ill. Reg. 2662, effective February 1, 1992, for a maximum of 150 days; emergency expired June 30, 1992; amended at 21 Ill. Reg. 2195, effective February 1, 1997; amended at 21 Ill. Reg. 6067, effective May 5, 1997; amended at 21 Ill. Reg. 8297, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 7978, effective April 27, 1998; amended at 22 Ill. Reg. 16244, effective August 27, 1998; amended at 23 Ill. Reg. 190, effective December 15, 1998; emergency amendment at 23 Ill. Reg. 4503, effective April 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10211, effective August 23, 1999; amended at 25 Ill. Reg. _____, effective _____.

Section 119.120 Definitions

For the purposes of this Part, the following terms are defined:

"Abuse." Any physical injury, sexual abuse or mental injury inflicted on an individual other than by accidental means. (Section 1-101.1 of the Code)

Physical injury includes all injuries serious enough to require immediate medical treatment by a physician, such as fractures and lacerations which require suturing and all other injuries which because of the circumstances or nature of the injury indicate possible abuse or neglect;

Sexual abuse includes but is not limited to any sexual penetration or sexual conduct between an individual and another person if the individual has been adjudicated legally disabled, or has a guardian, or is unable to understand the nature of the act or is unable to give knowing consent, or is injured, or alleges that there is, or there is evidence of use of force, coercion, or the exchange of money or anything of value; and

Mental injury includes use of words, signs, gestures or other actions by anyone against an individual which intimidates, demeans, harasses, causes emotional anguish or distress, ridicules, threatens, harms or will knowingly incite or precipitate maladaptive behavior on the part of an individual. Mental injury also includes exploitation, which is any act that uses individuals, their resources or their possessions for an agency employee's personal gain or for an agency's benefit.

"Accreditation." A process establishing that a program complies with nationally-recognized standards of care as set by one of the following:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1997 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

1997 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996); or

Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services (Council on Accreditation of Services for Families and Children, Inc. (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 1996).

Outcome Based Performance Measures (The Council, 100 West Road, Suite 406, Tucson, Maryland 21204, 1993);

Standards Manual and Interpretive Guidelines for Behavioral Health (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996);

Standards Manual and Interpretive Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996);

Education Standards (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 15 West 65th Street, New York, New York 10023, 1994);

"Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Adaptive behavior." The effectiveness or degree with which the individual approaches the standards of personal independence and social responsibility expected of the individual's age and cultural group as measured by adaptive behavior scales such as the Inventory for Client and Agency Planning (ICAP) (DLM Teaching Resources, One DLM Park, Allen, Texas 75002, 1986) and Scales of Independent Behavior (SIB) (DLM Teaching Resources, One DLM Park, Allen, Texas 75002, 1985).

"Authorized agency representative." A person appointed by the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

governing body who has responsibility for the program's administration including its content and fiscal affairs.

"Aversive procedures." The application of unpleasant or painful stimuli or stimuli that have a potentially noxious effect, contingent on the exhibition of a specific behavior that is not adaptive.

"Behavior management." Efforts to increase adaptive behaviors and to modify problem behaviors or behaviors that are not adaptive and replace them with behaviors and skills that are adaptive and socially productive.

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Day." A calendar day, unless otherwise indicated.

"Deemed status." If a provider has been accredited by an approved accrediting body as identified in the definition of "accreditation" in this Section, the Department shall deem the provider to be in substantial compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the provider is in substantial non-compliance with one or more of the designated Sections.

"Department." The Department of Human Services.

"Developmental disability." A disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in an impairment similar to that caused by mental retardation and which requires services similar to those required by individuals with mental retardation. Such disability must originate before the age of 18, be expected to continue indefinitely, and constitute a substantial handicap. (Section 1-106 of the Code)

"Discharge." The full release of an individual from a program.

"DT." Means developmental training.

"Equivalency." Evidence to substantiate compliance with requirements of this Part by means other than indicated in this Part.

"Exclusion." Preventing an individual's entrance or continuation in a program due to the individual's disability, medical condition, or maladaptive behavior, or due to lack of space in the day program.

"Exploitation." Any act that uses individuals, their resources or their possessions for the provider's employee's personal gain or for

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

the provider's benefit.

"Family." The individual's spouse, children, mother, father, sister and brother.

"Full compliance." A survey finding that a program has no identified deficiencies with the standards in this Part.

"Governing body." The provider's decision-making authority which establishes policies for the program's operation and the welfare of the individuals served.

"Guardian." The plenary or limited guardian or conservator appointed by the court for an individual over age 18 so long as the limited guardian's duties encompass concerns related to service requirements.

"Imminent risk." A situation in which individuals in a program are or may be subject to mental, physical or psychological harm which is not immediately correctable, such as environmental or safety hazards.

"Individual." A person who is applying for or receiving services in a program.

"Individual record" or "record." Materials kept chronologically by a program in the course of providing services to an individual.

"Individual services plan" or "plan." A written plan which includes an assessment of the individual's strengths and needs, a description of the services needed regardless of availability, objectives for each service, the role of the individual, guardian, significant others, and the family in the implementation, if the individual agrees to their participation. The plan shall also include a timetable for the accomplishment of objectives, and the names of the persons responsible for their implementation.

"Industrial norm." A standard of measured productivity outcomes of a specific work activity as determined by a time and motion study conducted on workers who are not impaired for the work being performed by age, physical or mental disability, or injury.

"Informed consent." Permission freely granted by the individual or guardian based on full disclosure to the individual or guardian of the benefits and/or liabilities of participation in specific procedures and/or services, including the releases of information, as part of the individual's services plan.

"Interdisciplinary team" or "team." A group consisting of at least the individual, parents (except when a non-legally disabled individual or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

a legally disabled individual's guardian does not desire them to participate), the guardian, as well as representatives of disciplines and services necessary to identify the individual's needs and to design services and alternatives to meet them. At least one member of the team shall be a qualified mental retardation professional.

"Maladaptive behavior." Actions by the individual that interrupt services, require a specific program addressing the behavior developed by the interdisciplinary team and exclude instances requiring only a verbal prompt such as "please sit down."

"Mental retardation." *Significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.* (Section 1-116 of the Code)

"Moral turpitude." Moral quality of being inherently base, depraved, vile or wicked.

"Neglect." *Failure to provide adequate medical or personal care or maintenance to an individual which results in physical or mental injury or in the deterioration of an individual's physical or mental condition.* (Section 1-117.1 of the Code).

"Notice of violation." A report submitted by OAL to a provider listing the program's deficiencies with this Part as noted during a survey.

"OCAPS." Office of Clinical, Administrative and Program Support.

~~"OAB."--The Department's Office of Accreditation and Licensure.~~

"Plan of correction." A written plan submitted by a provider to OAL in response to a notice of violation, which describes the steps the provider will take to bring the program into compliance, including the time-frames for completion of each step.

"Program." Services provided in non-residential facilities to adults who are developmentally disabled and require training in self-help, community living skills, social and leisure skills, communication or productive work.

"Progress notes." Narrative chronological documentation in an individual's record of service provided and its relationship to the plan.

"Provider." A sole proprietorship, association, partnership, corporation or organization, public or private, either for profit or not-for-profit, which operates a developmental training program under

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

the jurisdiction of a governing body or board.

"Qualified mental retardation professional (QMRP)." A QMRP must have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987 [225 ILCS 60];

A registered nurse licensed pursuant to the Illinois Nursing Act of 1987 [225 ILCS 65];

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association or other comparable body (Illinois Occupational Therapy Practice Act [225 ILCS 75]);

A physical therapist certified by the American Physical Therapy Association or other comparable body (Illinois Physical Therapy Act [225 ILCS 90]);

A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association or comparable body;

A psychologist with at least a master's degree in psychology from an accredited school (Clinical Psychologist Licensing Act [225 ILCS 15]);

A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body (the Clinical Social Work and Social Work Practice Act [225 ILCS 20]);

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or meet the education requirements for licensure and be in the process of accumulating the supervised experience required for licensure (the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]);

A professional recreation staff person with a bachelor's degree in recreation or in a specialty area such as art, dance, music or physical therapy;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

A professional dietitian registered by the American Dietetics Association; or

A human services professional with a bachelor's degree in a human services field, including, but not limited to sociology, special education, rehabilitation counseling or psychology.

"Quality assurance." A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services in order to identify and resolve problems.

"Restraint." The direct restriction through mechanical means or personal physical force of the limbs, head or body of an individual except as part of a medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical handicap. The partial or total immobilization of an individual for the purpose of performing a medical or surgical procedure shall not constitute restraint. (Section 1-125 of the Code)

"Seclusion." Sequestration by placement of an individual alone in a room from which he or she has no means of leaving. (Section 1-126 of the Code)

"Secretary." The Secretary of the Department of Human Services or his or her designee.

"Self-administration of medications." An individual's ability to take medications independently or with verbal prompts.

"Skills training." Activities which focus on the development of daily living skills which enable individuals to achieve independent functioning and economic self-sufficiency.

"Substantial compliance." A determination that a surveyed program does not have a deficiency or group of deficiencies sufficient to jeopardize the health, welfare or safety of individuals or prevent their maximum development; or, when deficient, the provider has documented a plan of correction to rectify any deficiency or has an approved equivalency or waiver for it.

"Survey." A process to determine the degree of compliance with this Part which a program has maintained, including surveyor observation and an on-site examination of policies, procedures, records of individuals, written plans, and the physical plant. Interviews of individuals and staff are also a part of the survey.

"Suspension." The conditional release of an individual from a program.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Time-out." When an individual is placed in a behavior modification program pursuant to his or her individual services plan, he or she may be removed from a situation that affords positive reinforcement to an area where reinforcement is not available for a reasonable period of time as determined by the team but not to exceed 30 minutes.

"Waiver." Department-granted exceptions to this Part on application by a provider, for a period not to exceed the duration of the current certificate.

"Work activity." The individual performs work such as contract janitorial, simulated assembly, and food service.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART C: CERTIFICATION REQUIREMENTS

Section 119.300 Issuing a certificate and period of certification

- a) The Department shall issue a certificate after receipt of a completed application, including the authorized agency representative's signature and the date, and after verifying the provider's compliance with this Part.
- b) The Department shall survey providers and their certified program. The Department shall review the provision of services, observe individuals and staff, and inspect the records and premises for the purpose of determining compliance with this Part.
- c) The Department shall survey providers to determine their compliance with this Part at the time of initial certification or certificate renewal.
- d) If a provider requests a waiver of any standard in this Part, it shall present to the Department a plan of correction to comply with the required standard, including a timetable for compliance and its rationale for the waiver request. Standards identified in Sections 119.325(a)(1)(A), (B), (C) and (D) shall not be waived. If a provider is not able to comply with a standard in this Part due to insufficient funding or no funding, the following shall occur:
 - 1) The provider shall request a waiver of the specific standard in its plan of correction which shall state that the provider cannot comply with the standard due to insufficient funding or no funding; and
 - 2) The Department's Office of Clinical, Administrative and Program Support Division of Developmental Disabilities shall review the waiver request, solicit input from the Department's Office of Developmental Disabilities and recommend to the Secretary whether a determine-if-the waiver shall be granted, except that no waiver shall be granted for any standard identified in Sections

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 119.325(a)(1)(A), (B), (C), and (D) 17-and
3) ~~if--the--Division-of-Developmental-Disabilities-determines-that-a~~
~~waiver-should-be-granted--it-should-direct-the-Bureau-to-waive-the~~
~~specific-standard-~~
f) If a provider requests an equivalency for any standard in this Part,
it shall present a written description to the Department of the
equivalency containing specific reference as to how the equivalency
meets the standard. An equivalency shall not be granted on standards
identified in Sections 119.325(a)(1)(A), (B), (C), and (D).
g) A certificate shall be valid for three years one-year unless denied or
revoked by the Department.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 119.305 Application for certification

a) Forms

Providers shall obtain application forms by writing to:

Office of Clinical, Administrative and Program Support
~~Accreditation-and-Licensure~~
Department of Human Services
303 East Monroe 405-Stratton-Building
Springfield IL 62762 62765

b) Certification renewal

- 1) Each certified provider shall submit a renewal application at
least 120 days before expiration of the certification. The
Department shall mail an application to the provider prior to the
120 day period before expiration.
- 2) Prior to recertification, OCAPS ~~OMB~~ shall survey a provider.
- 3) The Department shall recertify a provider in compliance with this
Part for an additional ~~three~~one-year period.
- 4) When the Department does not approve a provider for
recertification, the Department shall notify the provider, in
writing, within 30 days after the decision.
- 5) The notice shall include a clear and concise statement of the
violation on which the determination is based and notice of the
opportunity for a hearing in accordance with Section 119.330 of
this Part.
- 6) The Department shall consider approving written requests for the
development and certification of new providers when the following
conditions are presented to the Department and verified:
 - A) The provider shall not force:
 - i) The provision of a service or residential setting on
an individual or guardian which does not meet the
individual's needs and desires; or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- ii) Residential relocation of individuals away from
participating relatives;
- B) The provider demonstrates, through letters of support or
working agreement, a willingness to work cooperatively in
coordinating services with residential service providers in
the geographic area where services are provided; and
- C) The provider shall identify unserved individuals who have
been assessed to be in need of developmental training.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 119.325 Certificate sanctions and revocation ~~denial~~

- a) The Department shall revoke ~~deny~~ certification at any time if the
provider:
 - 1) Fails to maintain full compliance with standards identified in:
 - A) Sections 119.235 (a) through (e);
 - B) Sections 119.240 (b), (g)(4), (i);
 - C) Sections 119.250 (a), (b); and
 - D) Sections 119.255 (a)(1) through (a)(3), (b), (d)(1) through
(d)(6), (e)(1), (e)(3), (e)(5), (e)(6);
 - 2) Fails to maintain substantial compliance with all standards in
this Part other than those identified in subsection (a)(1) of
this Section;
 - 3) Fails to correct deficiencies identified as a result of an
on-site survey by the Department or fails to submit a plan of
correction after receipt of the notice of violation. The plan of
correction is due within 30 days ~~Fails--to-submit-a-plan-of~~
~~correction--acceptable--to--the--Department--for--any--violations~~
~~resulting--from--an--on-site-survey--by--the--Department--within--90--days~~
~~of--receipt--of--the--notice--of--violation--A-plan-will-be-acceptable~~
~~to--the--Department--if--the--proposed--correction--will--cause~~
~~compliance--with--the--applicable--standard--and--if--the--timetable--is~~
~~reasonable--Exit--for--the--timetable--being--reasonable--include~~
~~that--the--correction--be--made--immediately--if--the--standard--not~~
~~complied--with--affects--the--safety--or--health--of--individuals--or~~
~~other--standards--noted--as--deficient;~~
4) Submits false information either on Department forms, required
certifications, plans ~~plans~~ of correction or during an on-site
survey;
 - 5) Refuses to permit or participate in a scheduled or unscheduled
survey; or
 - 6) Willfully violates any rights of individuals being served as
identified in the Code or in the Act.
- b) The Department shall refuse to certify or recertify a program or shall
deny or revoke a certificate if the owner and/or authorized agency

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

representative or certificate holder has been convicted of a felony, or a misdemeanor involving moral turpitude, as shown by a certified copy of the court of conviction.

- c) DT provider agencies, as a result of an on-site survey, shall be recognized according to levels of compliance with standards as set forth in this Part, as specifically defined in interpretive guidelines made available to providers. Providers with findings from Level 1 to Level 3 will be considered to be in good standing with the Department and will be recertified. Findings from Level 3 to Level 5 will result in notice of violations, a plan of correction and defined sanctions. Findings resulting in Level 6 will result in revocation of the Provider's certification. The levels of compliance are: ~~if--the Department--determines--that--individuals--are--at--imminent--risk--which--has not--or--cannot--be--corrected--it--shall--immediately--close--the--affected program--plan--for--the--immediate--removal--of--all--individuals--and--deny the--certificate--of--the--provider--the--affected--program--shall--not operate--and--shall--not--receive--Department--funding--during--the--period--of any--appeal.~~

- 1) Level 1 - Full compliance with DT standards.
- 2) Level 2 - Acceptable compliance with DT standards. No written plan of correction will be required from the provider.

- 3) Level 3 - Partial compliance with DT standards. An administrative notice is issued. The provider shall submit a written plan of correction.

- 4) Level 4 - Minimal compliance with DT standards. The provider shall submit a written plan of correction, and the Department will issue a probationary certificate. A re-survey shall occur within 90 days.

- 5) Level 5 - Unsatisfactory compliance with DT standards. The provider shall submit a written plan of correction, and the Department will issue a restricted certificate. A re-survey shall occur within 60 days.

- 6) Level 6 - Revocation of the provider's certification to provide DT services. Revocation shall occur as a result of a provider's consistent and repeated failure to take necessary corrective actions to rectify documented violations and/or the provider's failure to protect clients from situations that produce imminent risk.

- d) Prior to sanctioning a DT certification, OCAPS will allow the provider an opportunity to take corrective action to eliminate or ameliorate a violation of this Part except in cases in which OCAPS determines that emergency action is necessary to protect the public or individual interest, safety or welfare. ~~if--a--provider--contests--the--Department's certification--decision--pursuant--to--subsection--(a)-(b)--or--(c)--of--this Section--it--may--request--a--hearing--in--accordance--with--Section--119-3397 by--providing--written--notice--The--Department--shall--notify--the--provider of--the--time--and--place--of--the--hearing--not--less--than--14--days--before--the hearing--date.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- e) Subsequent to an on-site survey, OCAPS shall issue a written notice to a provider. OCAPS shall specify the particular Sections of this Part, if any, with which the provider is not compliant. OCAPS' notice shall require any corrective actions be taken within a specified time period as required by this Part. ~~if--the--provider--does--not--provide--written notice--the--Department--shall--deny--the--certificate--~~

- f) Sanctions will be imposed according to the following definitions:

- 1) Administrative notice - A written notice issued by OCAPS that specifies rule violations requiring a written plan of correction with time frames for corrections to be made and a notice that any additional violation of this Part may result in a higher level sanction. (Level 3)

- 2) Probation - Compliance with standards is minimally acceptable and necessitates immediate corrective action. Individual's life safety or quality of care are not in jeopardy. The probationary period is time limited to 90 days. During the probationary period, the provider must make corrective changes sufficient to bring the provider back into good standing with the Department. Failure to make corrective changes within that given time frame may result in a determination to initiate a higher level sanction. The admission of new individuals shall be prohibited during the probationary period. (Level 4)

- 3) Restricted certification - A provider is sanctioned for unsatisfactory compliance. The admission of new individuals shall be prohibited during the restricted certification period. Corrective action sufficient to bring the provider back into good standing with the Department must be taken within 60 days. During the restricted certification period a Division monitor will be assigned to oversee the progress of the provider in taking corrective action. Depending on the severity of the violations, individuals may be moved to another DT site supervised by the same provider or to a site supervised by another provider. If individuals are moved to another site supervised by another provider, funding for the services will also be moved. If corrective actions are not taken, the provider will be subject to a higher level sanction. (Level 5)

- 4) Revocation - Revocation of the certificate is withdrawal of the DT certificate by formal actions of the DT certification. The revocation shall be in effect until such time that the provider submits a re-application and the provider can demonstrate its ability to operate in good standing with the Department. The Department has the right not to reinstate a certificate. If revocation occurs as a result of imminent risk, all individuals will be immediately relocated to another provider and all DT funding will be transferred. The Department shall immediately notify the Department of Public Aid of the decertification of any provider. (Level 6)

- 5) Targeted certificate - A provider with multiple DT sites may be

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

sanctioned for non-compliance according to the performance of the respective sites. Failure of one site to comply may result in a sanction-level determination for the individual site and may not impact on the certification of the parent provider. One exception to the foregoing shall be a provider's continuous administrative failure to implement corrective changes for a site in accordance with a finding of violations and stipulated time frames to come into compliance. The DT certification of the parent provider may be subject to sanctions in those cases.

f) ~~The Department shall immediately notify the Department of Public Aid of the decertification of any provider.~~

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 119.330 Hearings

- a) The Department may not deny or revoke or suspend a certificate unless the provider is given written notice of the grounds for the Department's action. Such notice shall comply with 89 Ill. Adm. Code 508.50(a). Except when denial or revocation of a certificate is based on imminent risk as described in Section 119.325, the provider may operate and receive a reimbursement for services during the period preceding the hearing, until such time as a final decision is made.
- b) If a provider disagrees with the Department's decision to deny or revoke certification, it may request a hearing, in writing, within 20 working days of receipt of the Department's written notice to deny or revoke certification.
- c) The Department shall notify the provider of the time and place of the hearing not less than 14 days before the hearing date.
- d) Hearings shall be conducted in accordance with the Department's

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Fees for Analytical Testing of Community Drinking Water Supply Samples for Radionuclides
- 2) Code Citation: 32 Ill. Adm. Code 336
- 3) Section Number: Proposed Action:
336.10 New Section
336.20 New Section
336.30 New Section
336.40 New Section
336.50 New Section
336.60 New Section
336.70 New Section
336.80 New Section

4) Statutory Authority: Implementing and authorized by Section 2005/2005-40 of the Department of Nuclear Safety Law [20 ILCS 2005/2005-40].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this rule pursuant to the provisions of P.A. 92-0036, effective June 28, 2001 (SB 880). This rule will establish procedures for requesting the Department to perform analytical services for community drinking water supply samples to determine the contaminant levels, if any, of radionuclides in the drinking water. This proposed rule will also set the reasonable fees that the Department will charge for providing the analytical services.

6) Will this proposed rule replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

Robert B. Holtsclaw
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: The Department believes that this rulemaking will have a direct impact on small businesses, small municipalities or not for profit corporations that own community water supplies and that request analytical testing for radionuclides from the Department.

B) Reporting, bookkeeping or other procedures required for compliance: This rule requires that community water supplies sign and return a commitment form to the Department in order to participate in the Department's analytical testing program. See Section 336.40 of this Part. Community water supplies must also fulfill other technical requirements, such as using IDNS provided water sample containers, in order to participate in the testing program.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the regulatory agendas were published.

The full text of the Proposed Rule is identical to the text of the emergency rule published in this issue of the Illinois Register on page 10235 -

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: General Policies
- 2) Code Citation: 2 Ill. Adm. Code 3002
- 3) Section Numbers: Proposed Action:
3002.1100 Amend
- 4) Statutory Authority: Illinois Procurement Code [30 ILCS 500]
- 5) A complete description of the subjects and issues involved: Public Act 92-0011 amended the Procurement Code to require the Board to review and approve certain construction procurements for the Capitol Complex. These rules implement the requirements by which construction agencies will seek Board review.
- 6) Will this proposed rule replace any emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rule contain incorporations by reference? No
- 9) Are there any other proposed rules pending on this part? No
- 10) Statement of Statewide Policy Objectives: The rule does not create or expand State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment in writing during the first notice period to: Procurement Policy Board

Tiffany Smith, Graduate Assistant
511 W. Capitol Suite 102
Springfield IL 62703
(217) 758-3988
Fax: (217) 557-9927
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: Publication of Board agendas and Board action in the Illinois Procurement Bulletin
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

was not included on either of the two most regulatory agendas because: The Board did not anticipate the need for this change and therefore it was not published in any regulatory agenda.

The full text of the Proposed Rule begins on the next page:

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LX: PROCUREMENT POLICY BOARD

PART 3002

GENERAL POLICIES

Section	Authority and Purpose
3002.100	Definitions
3002.200	Agenda
3002.300	Meetings of the Board
3002.400	Board Review
3002.500	Publication of Notices, Proposals and Action by the Board
3002.600	Comments from the Public
3002.700	Petition to the Board by Public
3002.800	Submission of Complaints
3002.900	Obtaining Other Information
3002.1000	Coordination with State Agencies and the General Assembly
3002.1100	Coordination with the Joint Committee, Administrative Code Division and CPOs
3002.1200	

AUTHORITY: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 23 Ill. Reg. 6895, effective June 1, 1999; amended at 25 Ill. Reg. _____, effective _____.

Section 3002.1100 Coordination with State Agencies and the General Assembly

- a) For the purposes of this Section, a "construction agency" includes the Legislative Space Needs Commission, the Capital Development Board and the Secretary of State.
- b) State Agencies and the General Assembly are invited to address the Board with comments, concerns or suggestions about procurement policy. Written submission will be required for the Board to conduct an official review for the requestor. The Board will review the submission and respond within the timeframe established in Section 500 of this Part.
- c) As required by the Code, the Board will approve or disapprove contracts based on the following for construction and construction related services involving or affecting portions of State buildings within the Capitol Complex that are used or occupied by the legislative branch and determined by the construction agency to be a sole source procurement, small procurement or emergency procurement:
 - 1) For sole source procurements, the construction agency shall submit to the Board, in writing, justification for the procurement including a description of the supply or service

PROCUREMENT POLICY BOARD

NOTICE OF PROPOSED RULES

along with all associated costs, written verification of the means used to determine that there is only one economically feasible source for the supply or service and a description of the procurement's relationship to the construction project for which it is procured. This description shall include the size of the procurement in relation to the entire project and any positive or negative impact on the related project associated with the procurement.

2) For small procurements, the construction agency shall submit to the Board, in writing, justification for the procurement including a description of the supply or service along with all associated costs, written verification of any quotes sought to determine market price and availability and a description of the procurement's relationship to the construction project for which it is procured. This description shall include the size of the procurement in relation to the entire project and any positive or negative impact on the related project associated with the procurement.

3) For emergency procurements, the construction agency shall submit to the Board, in writing, justification for the procurement including a description of the supply or service along with all associated costs, written verification of the circumstances requiring emergency procurement and a description of the procurement's relationship to the construction project for which it is procured. This description shall include the size of the procurement in relation to the entire project and any positive or negative impact on the related project associated with the procurement.

As provided for in the Code, limited emergency procurements can be conducted in situations requiring immediate action prior to Board review. In this event the Board will require a post-procurement submission for review of the procurement.

d) Upon review of the procurement the Board will issue a written determination of approval or disapproval to the Commission.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

1) Heading of the Part: Alzheimer's Disease Management Center Demonstration Program Code

2) Code Citation: 77 Ill. Adm. Code 225

3) Section Numbers: Proposed Action:

225.100	New Section
225.200	New Section
225.300	New Section
225.400	New Section
225.500	New Section
225.600	New Section
225.700	New Section
225.800	New Section
225.900	New Section
225.1000	New Section
225.1010	New Section
225.1020	New Section
225.1030	New Section
225.1040	New Section
225.1050	New Section
225.1060	New Section
225.1070	New Section
225.1080	New Section
225.2000	New Section
225.2010	New Section
225.2020	New Section
225.3000	New Section
225.3010	New Section
225.3020	New Section
225.3030	New Section
225.3040	New Section
225.3050	New Section
225.3060	New Section
225.4000	New Section
225.5000	New Section
225.6000	New Section
225.6010	New Section
225.6020	New Section
225.6030	New Section
225.7000	New Section
225.7010	New Section
225.7020	New Section
225.7030	New Section
225.7040	New Section
225.7050	New Section
225.7060	New Section
225.8000	New Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

225.8010 New Section
 225.8020 New Section
 225.8030 New Section
 225.8040 New Section
 225.8050 New Section
 225.9000 New Section
 TABLE A

- 4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]
- 5) A Complete description of the subjects and issues involved: These rules implement Public Act 91-838 (Senate Bill 1613), effective June 16, 2000, which amended the Alternative Health Care Delivery Act [210 ILCS 3] to authorize an "Alzheimer's disease management center alternative health care model in the demonstration program". The model is to be located in Will County, owned by a not-for-profit entity, and endorsed by a resolution approved by the county board before June 16, 2000.
- Subpart A of the rules (General Provisions) establishes requirements for application and issuance of a license; obligations and privileges of a Model; demonstration program elements; inspections and investigations; notice of violation and plan of correction; and adverse licensure action.
- Subpart B (Policies) includes requirements for admission and discharge policies; personnel policies; health evaluations for employees; health care worker background check; disaster preparedness; abuse and neglect; and restraints.
- Subpart C (Personnel) sets forth general personnel requirements and provisions governing staff training and nursing assistants.
- Subpart D (Resident Care Services) includes resident assessment; resident care plans; resident care and treatment services; activity and volunteer programs; residential services; and medication administration.
- Subpart E sets forth Resident's Rights.
- Subpart F sets forth requirements for Resident Records.
- Subpart G establishes food service requirements, including director of food services; meal planning; menus and food records; and diet orders.
- Subpart H contains physical plant standards, including codes and standards; site; administration and public areas; nursing units; dining, living, and activities rooms; therapy and personal care rooms; and service departments.
- Subpart I (Facility Design and Construction) includes general building

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

requirements; structural requirements; mechanical systems; plumbing systems; and electrical systems.

Subpart J sets forth requirements for quality assessment and improvement.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this rule replace an emergency rulemaking currently in effect? No

7) Does this rule contain an automatic repeal date? No

8) Does this rule contain any incorporations by Reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule does not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning this rule within 45 days after this issue of the *Illinois Register* to:

Paul Thompson
 Division of Legal Services
 Illinois Department of Public Health
 535 West Jefferson St., 5th Floor
 Springfield, Illinois 62761
 217/782-2043
 e-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: None

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
These requirements are set forth in the proposed rules.
- C) Types of Professional Skills Necessary for Compliance: Skills
necessary to provide care for persons with Alzheimer's disease.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 225

ALZHEIMER'S DISEASE MANAGEMENT CENTER
DEMONSTRATION PROGRAM CODE

SUBPART A: GENERAL PROVISIONS

Section	
225.100	Definitions
225.200	Incorporated and Referenced Materials
225.300	Demonstration Program Elements
225.400	Application for and Issuance of a License to Operate an Alzheimer's Disease Management Center Model
225.500	Obligations and Privileges of Alzheimer's Disease Management Center Models
225.600	Inspections and Investigations
225.700	Notice of Violation and Plan of Correction
225.800	Adverse Licensure Action
225.900	Waivers

SUBPART B: POLICIES

Section	
225.1000	Policies and Procedures
225.1010	Admission, Transfer and Discharge Policies
225.1020	Medical Care Policies
225.1030	Personnel Policies
225.1040	Health Evaluations for Employees
225.1050	Health Care Worker Background Check
225.1060	Disaster Preparedness
225.1070	Restraints
225.1080	Abuse and Neglect

SUBPART C: PERSONNEL

Section	
225.2000	General Requirements
225.2010	Staff Training
225.2020	Nursing Assistants

SUBPART D: RESIDENT CARE SERVICES

Sections	
225.3000	Resident Assessment
225.3010	Resident Comprehensive Care Plan

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

225.3020 Resident Care and Treatment Services
 225.3030 Activity Program
 225.3040 Volunteer Program
 225.3050 Residential Services
 225.3060 Medication Administration

SUBPART E: RESIDENTS' RIGHTS

Section
 225.4000 Residents' Rights

SUBPART F: RESIDENT AND FACILITY RECORDS

Section
 225.5000 Resident Record Requirements

SUBPART G: FOOD SERVICE

Section
 225.6000 Director of Food Services
 225.6010 Meal Planning
 225.6020 Menus and Food Records
 225.6030 Diet Orders

SUBPART H: PHYSICAL PLANT

Section
 225.7000 Codes and Standards
 225.7010 Site
 225.7020 Administration and Public Areas
 225.7030 Nursing Units
 225.7040 Dining, Living, and Activities Rooms
 225.7050 Therapy and Personal Care Rooms
 225.7060 Service Departments

SUBPART I: FACILITY DESIGN AND CONSTRUCTION

Section
 225.8000 Applicability
 225.8010 General Building Requirements
 225.8020 Structural Requirements
 225.8030 Mechanical Systems
 225.8040 Plumbing Systems
 225.8050 Electrical Systems

SUBPART J: QUALITY ASSESSMENT AND IMPROVEMENT

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

225.9000 Quality Assessment and Improvement
 TABLE A Heat Index Table/Apparent Temperatures

AUTHORITY: Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 25 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 225.100 Definitions

The following terms have the meaning ascribed to them here whenever the term is used in this Part.

Abuse - any physical or mental injury or sexual assault inflicted on a participant other than by accidental means in a facility. Abuse means:

Physical abuse - the infliction of physical injury on a participant that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury - non-physical injury arising from the following types of conduct:

Verbal abuse - the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse - includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent. Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Act - the Alternative Health Care Delivery Act [210 ILCS 3].

Alzheimer's disease - a progressive, degenerative disease that attacks the brain and results in impaired memory, thinking and behavior.

Alzheimer's Disease Management Center Model or Model - a designated site that provides a safe and secure setting for care of persons diagnosed with Alzheimer's disease. (Section 35(5) of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

Board - the *State Board of Health*. (Section 10 of the Act)

Caregivers - family members, other relatives or friends who are involved in caring for the resident.

Charitable Care - the intentional provision of free or discounted service to persons who cannot afford to pay for them.

Chemical restraint - any drug that is used for discipline or convenience and is not required to treat medical symptoms or behavior manifestations of mental illness.

Comparable Health Care Providers - other providers of care for individuals with Alzheimer's disease.

Comprehensive Care Plan - a plan of care developed specifically for an individual resident, based on the resident assessment.

Demonstration Program or Program - a *program to license and study alternative health care models authorized under the Act*. (Section 10 of the Act)

Department - the *Illinois Department of Public Health*. (Section 10 of the Act)

Dietician - a person who is a licensed dietician as provided in the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

Director - the *Director of Public Health* or designee. (Section 10 of the Act)

Emergency - a situation, physical condition or one or more practices, methods or operations that present imminent danger of death or serious physical or mental harm to residents of a facility.

Facility - same as Model.

Inspection - any survey, evaluation, or investigation of the Alzheimer's Disease Management Center Model's compliance with the Act and this Part by the Department or designee.

Licensee - the person or entity licensed to operate the Alzheimer's Disease Management Center Model.

Medical director - the physician who is responsible for advising the provost on the overall medical management of the residents in the Model.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

Neurologist - a physician who is Board certified in neurology.

Occupational Therapist, Registered (OTR) - a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act [225 ILCS 75].

Operator - the person responsible for the control, maintenance and governance of the Model, its personnel and physical plant.

Owner - the individual, partnership, corporation, association or other person who owns the Model.

Physical restraint - any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, which the individual cannot remove easily and which restricts freedom of movement or normal access to one's body.

Physical Therapist - a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician - a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60].

Provost - the person responsible for directing the care of residents in the Model.

Registered Nurse - a person who is licensed as a registered professional nurse under the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

Resident - a person who resides in an Alzheimer's Disease Management Center Model.

Resident's Representative - a person authorized by the resident or by law to act on behalf of the resident.

Social worker - a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Worker and Social Worker Practice Act [225 ILCS 20].

State Fire Marshal - the Office of the State Fire Marshal, Division of Fire Protection.

Substantial Compliance - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved.

Unit - A physically identifiable residence area.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

Section 225.200 Incorporated and Referenced Materials

- a) The following private and professional association standards are incorporated in this Part:
- 1) American National Standards Institute: Standard No. AL77.1-R1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.
 - 2) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (1997), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.
 - 3) American Society for Testing and Materials (ASTM) Standard No. E90-1975: Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions, which may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.
 - 4) BOCA International Building Code (1996), which may be obtained from Building Officials and Code Administrators International, Inc., 4051 Flossmoor Road, Country Club Hills, Illinois 60478-5795.
 - 5) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33 (2000), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.
 - 6) Underwriters Laboratories, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:
 - A) Fire Resistance Directory (1998 Edition),
 - B) Building Material Directory (1998 Edition), and
 - C) Automotive Burglary Protection Mechanical Equipment Directory (1997 Edition).
 - 7) Dietary Guidelines for Americans, 2000, 5th Edition, which may be obtained from the Food and Nutrition Information Center, National Agricultural Library, U.S. Department of Agriculture, 10301 Baltimore Ave., Beltsville, Maryland 20705.
- b) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following State statutes and regulations are referenced in this Part:
- 1) State of Illinois statutes:
 - A) Alternative Health Care Delivery Act [210 ILCS 3]
 - B) Dietetic and Nutrition Services Practice Act [225 ILCS 30]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- C) Illinois Occupational Therapy Practice Act [225 ILCS 75]
 - D) Illinois Physical Therapy Act [225 ILCS 90]
 - E) Medical Practice Act of 1987 [225 ILCS 60]
 - F) Nursing and Advanced Practice Nursing Act [225 ILCS 65]
 - G) Health Care Worker Background Check Act [225 ILCS 46]
 - H) Nursing Home Care Act [210 ILCS 45]
 - I) Criminal Code of 1961 [720 ILCS 5]
 - J) Illinois Controlled Substances Act [720 ILCS 570]
 - K) Cannabis Control Act [720 ILCS 550]
 - L) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- 2) State of Illinois rules:
- A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120)
 - B) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
 - C) Department of Public Health:
 - i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - ii) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
 - iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)
 - iv) Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
 - vi) Drinking Water Systems Code (77 Ill. Adm. Code 900)
 - vii) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

Section 225.300 Demonstration Program Elements

- a) There shall be an authorized Alzheimer's disease management center alternative health care model in the demonstration program. The Alzheimer's disease management center shall be located in Will County, owned by a not-for-profit entity, and endorsed by a resolution approved by the county board before June 16, 2000. (Section 30(a-20) of the Act)
- b) An Alzheimer's disease management center model shall be a facility separate from any other facility licensed by the Department under the Act or any other Act. (Section 35(5) of the Act)
- c) An Alzheimer's disease management center model shall have no more than 100 residents. (Section 35(5) of the Act)
- d) An Alzheimer's disease management center model shall be licensed pursuant to this Part to be considered a participant in the Program.
- e) At the midpoint and end of the Program, the Board shall evaluate and make recommendations to the Governor and the General Assembly, through the Department, regarding the Program, in accordance with Section 20(b) of the Act. (Section 20(b) of the Act)
- f) The Department shall deposit all application fees, renewal fees and fines collected under the Act and this Part into the Regulatory

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

Evaluation and Basic Enforcement Fund in the State Treasury. (Section 25(d) of the Act)

Section 225.400 Application for and Issuance of a License to Operate an Alzheimer's Disease Management Center Model

- a) Applications for a license to operate an Alzheimer's disease management center model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:
 - 1) The name of the proposed Model;
 - 2) The address of the proposed Model;
 - 3) A precise description of the site of the proposed Model;
 - 4) The number of beds;
 - 5) The name and address of the registered agent or other individual authorized to receive Service of Process for the Model licensee;
 - 6) The name, address and Illinois license number of the following persons:
 - A) Medical director,
 - B) Supervisor of nursing services, and
 - C) Provost;
 - 7) The Model's admission protocol and transfer criteria as required by Section 225.1010;
 - 8) Information regarding any conviction of the owner or operator of the proposed Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility; and
 - 9) Information regarding any encumbrance on a health care license issued in Illinois or any other state to the owner or operator of the proposed Model.
- b) An application for initial and renewal licensure shall be accompanied by an application fee of \$500 plus \$100 for each Alzheimer's disease management center model bed.
- c) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- d) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year. (Section 30 of the Act) The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the application.
- e) An application for license renewal shall be filed with the Department 90 to 120 days prior to the expiration of the license, on forms provided by the Department.
 - 1) The renewal application shall comply with the requirements of subsections (a) and (b) of this Section; and
 - 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

shall renew the license in accordance with subsection (d) of this Section.

- f) *The Department may issue a provisional license to any Alzheimer's disease management center model that does not substantially comply with the provisions of the Act and this Part:*
 - 1) A provisional license may be issued only if the Department finds that:

- A) *The Model has undertaken changes and corrections which upon completion will render the Model in substantial compliance with the Act and this Part; and*
- B) *The health and safety of the residents in the Model will be protected during the period for which the provisional license is issued.* (Section 30(c) of the Act)
- 2) *The Department shall advise the applicant or licensee of the conditions under which the provisional license is issued, including:*
 - A) *The manner in which the Model fails to comply with the provisions of the Act and this Part;*
 - B) *The changes and corrections that shall be completed;*
 - C) *The time within which the necessary changes and corrections shall be completed* (Section 30(c) of the Act); and
 - D) *The interim actions that are necessary to protect the health and safety of the residents.*
- g) *The Alzheimer's disease management center model license or provisional license shall be prominently displayed in an area accessible to the public.*

Section 225.500 Obligations and Privileges of Alzheimer's Disease Management Center Models

- a) An Alzheimer's disease management center model shall, within 30 days after licensure, seek certification under Titles XVIII and XIX of the Federal Social Security Act. (Section 30(d) of the Act)
- b) An Alzheimer's disease management center model shall provide charitable care consistent with that provided by comparable health care providers in the geographic area. (Section 30(d) of the Act)
- c) A licensed Alzheimer's disease management center model that continues to be in substantial compliance after the conclusion of the demonstration program shall be eligible for annual license renewals unless and until a different licensure program for that type of health care model is established by legislation. (Section 30(c) of the Act)

Section 225.600 Inspections and Investigations

- a) The Department shall perform licensure inspection of Alzheimer's disease management center models, as deemed necessary, to ensure compliance with the Act and this Part. (Section 25(c) of the Act)
- b) An Alzheimer's disease management center model to which this Part

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

applies shall be subject to and shall be deemed to have given consent to all inspections by properly identified personnel of the Department, or by other such properly identified persons as the Department might designate. In addition, representatives of the Department shall have access to and may reproduce or photocopy any books, records, and other documents maintained by the Model or the licensee to the extent necessary to carry out the Act and this Part.

c) *The Department shall investigate an applicant or licensee whenever it receives a verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for the denial of an application for a license, refusal to renew a license, or suspension or revocation of a license.* (Section 50 of the Act)

d) *The Department may also investigate an applicant or licensee on its own motion or based upon complaints received by mail, telephone, or in person.* (Section 50 of the Act)

Section 225.700 Notice of Violation and Plan of Correction

a) Upon determination that the licensee or applicant is in violation of the Act or this Part, the Department shall issue a written Notice of Violation and request a plan of correction. The notice shall specify the violations, and shall instruct the licensee or applicant to submit a plan of correction to the Department within 10 days after receipt of the Notice.

b) Within the ten-day period, a licensee or applicant may request additional time for submission of the plan of correction. The Department may extend the period for submission of the plan of correction for an additional 30 days, when the Department finds that corrective action by the Model to abate or eliminate the violations will require substantial capital improvement. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the Model in determining whether to grant a requested extension.

c) Each plan of correction shall be based on an assessment by the Model of the conditions or occurrences that are the basis of the violations and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the Model. Each plan of correction shall include:

- 1) A description of the specific corrective action the Model is taking, or plans to take, to abate, eliminate, or correct the violations cited in the Notice;
 - 2) A description of the steps that will be taken to avoid future occurrences of the same and similar violations; and
 - 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the Model that the violation has occurred.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

e) The applicant or licensee may submit additional information in response to the Notice of Violation that it believes will clarify the condition or alleged violations. The Department will consider the information in reviewing the applicant's or licensee's response and the plan of correction.

f) The Department shall review each plan of correction to ensure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:

- 1) The plan does not address the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences.
- 2) The plan is not specific enough to indicate the actual actions the Model will be taking to abate, eliminate, or correct the violation.
- 3) The plan does not provide for measures that will abate, eliminate, or correct the violation.
- 4) The plan does not provide steps that will avoid future occurrences of the same and similar violations.
- 5) The plan does not provide for timely completion of the corrective actions, considering the seriousness of the violation, any possible harm to the participants, and the extent and complexity of the corrective action.
- g) The Department shall notify the licensee or applicant if the plan of correction is rejected, including specific reasons for the rejection of the plan. The Model shall submit a modified plan that addresses the requirements of subsection (c) of this Section within five days after receipt of notice of rejection.
- h) If a licensee or applicant fails to make a timely submission of a modified plan of correction, or such modified plan is not acceptable to the Department, a plan of correction shall be specified and imposed by the Department.
- i) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys, and evaluations of the Model.

Section 225.800 Adverse Licensure Action

- a) *Before denying a license application, refusing to renew a license, suspending a license, revoking a license, or assessing an administrative fine, the Department shall notify the applicant or the licensee in writing. The notice shall specify the charges or reasons for the Department's contemplated action, and shall provide the applicant or licensee an opportunity to file a request for a hearing within 10 days after receiving the notice.* (Section 50 of the Act)
- 1) *A failure to request a hearing within 10 days shall constitute a*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

waiver of the applicant's or licensee's right to a hearing. (Section 50 of the Act)

- 2) *The hearing shall be conducted by the Director or an individual designated in writing by the Director as an Administrative Law Judge, and shall be conducted in conformance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) and Section 65 of the Act. (Section 55 of the Act)*
- b) *A license may be denied, suspended, or revoked, or the renewal of a license may be denied or administrative fine assessed, for any of the following reasons:*
 - 1) *Violation of any provision of the Act or this Part.*
 - 2) *Conviction of the owner or operator of the Alzheimer's disease management center model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction.*
 - 3) *An encumbrance on a health care license issued in Illinois or any other state to the owner or operator of the Alzheimer's disease management center model.*
 - 4) *Revocation of any facility license issued by the Department during the previous five years or surrender or expiration of the license during the pendency of action by the Department to revoke or suspend the license during the previous five years, if the prior license was issued to the individual applicant or a controlling owner or controlling combination of owners of the applicant or any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license. (Section 45 of the Act)*
 - c) *An action to assess an administrative fine may be initiated in conjunction with or in lieu of other adverse licensure action.*
 - d) *The amount of an administrative fine shall be determined based on consideration of the following:*
 - 1) *The nature and severity of the violations;*
 - 2) *The Model's diligence in correcting the violations;*
 - 3) *Whether the Model had been previously cited for similar violations;*
 - 4) *The number of violations;*
 - 5) *The duration of uncorrected violations; and*
 - 6) *The impact or potential impact of the violations on resident health and safety.*
 - e) *The administrative fine shall be calculated in relation to the number of days the violation existed, or continues to exist if it has not been corrected. The total amount of the fine assessed shall fall within the following parameters:*
 - 1) *For a violation that occurred as a single event or incident -*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- between \$100 and \$5,000 per violation.
- 2) *For a violation that was or is continuing beyond a single event or incident - between \$100 and \$500 per day per violation.*

Section 225.900 Waivers

- a) The Department may grant a waiver from this Part at the time of the on-site review if the licensee or applicant can demonstrate that an alternative is available to ensure the residents' health, safety, and welfare.
- b) An applicant or licensee shall submit a written request for a waiver on a Department-provided form that includes:
 - 1) The applicant's or licensee's name;
 - 2) The name, address, and license number, if applicable, of the facility;
 - 3) The specific Section of this Part for which the applicant is requesting a waiver;
 - 4) The reason or reasons why an applicant is not able to comply with the requirement; and
 - 5) An alternative that ensures that the health, safety, and welfare of residents are protected.
- c) The Department shall evaluate a request for a waiver as follows:
 - 1) Review the written request;
 - 2) Verify the submitted documentation;
 - 3) If the requested waiver involves a physical plant requirement, inspect the establishment; and
 - 4) If applicable, discuss the waiver with the facility's provost or provost's designee, residents or representatives, or any individual the Department determines is necessary to evaluate the request.
- d) If the Department issues a waiver, the Department shall provide a written notice to the applicant or licensee within 90 days after receipt of the request for a waiver.
- e) The Department shall issue a notice of denial within 90 days if the Department determines that the proposed alternative does not ensure that the health, safety and welfare of the residents are protected.
- f) The Department shall withdraw a waiver if:
 - 1) A licensee does not comply with the conditions of the waiver as approved by the Department;
 - 2) The Department determines that the health, safety, or welfare of residents is not protected by the waiver;
 - 3) The condition of the physical plant has deteriorated or its use substantially changed so that the basis upon which the waiver was issued is materially different; or
 - 4) The establishment is renovated or remodeled in such a way as to permit compliance.
- g) The Department may limit the time period that a waiver is in effect.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

SUBPART B: POLICIES

Section 225.1000 Policies and Procedures

- a) The licensee shall have policies and procedures that implement and are consistent with the provisions of this Part.
- b) The licensee shall have infection control policies and procedures, which shall include at least the following:
 - 1) Compliance with the Department's Control of Communicable Diseases Code (77 Ill. Adm. Code 690);
 - 2) The use of universal precautions and isolation techniques;
 - 3) A continuing program of instruction for all personnel on the mode of spread of infections; and
 - 4) Posted handwashing techniques.
- c) The licensee shall provide for the registration and disposition of complaints without threat of discharge or other reprisal against any employee, volunteer, resident or resident's representative.
- d) The licensee shall develop, with the approval of the medical director, policies and procedures to be followed during various medical emergencies. The types of medical emergencies addressed should be based on the needs of the residents being served and may include, but are not limited to, foreign body aspiration, poisoning, allergic reactions, asthma, convulsions, insulin reaction, and acute respiratory distress.
- e) The licensee shall develop policies and procedures concerning the handling of resident's funds. Such policies and procedures shall be at least as stringent as those set forth in Section 2-201 of the Nursing Home Care Act [210 ILCS 45/2-201].
- f) The licensee shall develop policies and procedures concerning the role and level of supervision of students and interns in the operation of the Model and the care of residents.

Section 225.1010 Admission, Transfer and Discharge Policies

- a) No resident determined by professional evaluation to be in need of services not readily available in the facility, or through arrangement with a qualified outside resource, shall be admitted to or kept in the facility.
- b) No resident shall be admitted to or kept in the facility:
 - 1) Who is psychiatrically disturbed, in need of psychiatric therapy, and at risk because the person is reasonably expected to self-inflict serious physical harm or to inflict serious physical harm on another person in the near future as a result of the mental aberration, as determined by professional evaluation.
 - 2) Who is or may be destructive of property, himself or herself, or others.
- c) The licensee shall establish admission criteria that provide for:
 - 1) The admission of clients who can be served by the facility; and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- 2) The nondiscrimination of clients based on disability, race, religion, sex, source of payment, and any other basis recognized by applicable State and federal laws.
- d) Prior to admission, each client shall have a complete neurological examination with a Mini-Mental Screening Test. The screening test shall be performed by a neurologist or an associate with recognized skill.
- e) Persons with communicable, contagious, or infectious diseases may be admitted under the conditions and in accordance with the procedures specified in the Control of Communicable Diseases Code.
- f) A Model shall not admit more residents than the number authorized by the license issued to it.
- g) Physician orders for medications (if necessary) and information concerning any other immediate medical care needs shall be submitted to the licensee at the time of the resident's admission, with appropriate signature of the physician.
- h) A Model shall not refuse to discharge or transfer a resident when requested to do so by the resident or, if the resident is incompetent, by the resident's guardian.
- i) A resident may be voluntarily discharged from a facility after he or she gives the provost, a physician, or a nurse of the facility written notice of his or her desire to be discharged. The resident shall be discharged upon written consent of the resident's representative. In such cases, upon the resident's discharge, the facility is relieved from any responsibility for the resident's care, safety, or well-being.
- j) A facility may only involuntarily transfer or discharge a resident for one or more of the following reasons:
 - 1) For medical reasons;
 - 2) For the resident's physical safety;
 - 3) For the physical safety of other residents, the facility staff or facility visitors; or
 - 4) For either late payment or nonpayment for the resident's stay. If payment is not received within 45 days after submission of a bill, the facility may send a notice to the resident and responsible party requesting payment within 30 days. If payment is not received within such 30 days the facility may thereupon institute transfer or discharge proceedings by sending a notice of transfer or discharge to the resident and responsible party by registered or certified mail. The notice shall state that the responsible party has the right to pay the amount of the bill in full up to the date the transfer or discharge is to be made, and then the resident shall have the right to remain in the facility. Such payment shall terminate the transfer or discharge proceedings.
- k) Prior to a planned involuntary discharge, the facility shall provide at least a 21-day written notice to the resident, the resident's representative and the Department. The notice shall state the reason

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

for the discharge and shall offer assistance in finding another living arrangement.

Section 225.1020 Medical Care Policies

- a) A medical director shall be responsible for advising the provost on the overall medical management of the residents and the staff of the facility.
- b) Every resident shall be under the care of a physician.
- c) All residents, or their guardians, shall be permitted their choice of a physician.
- d) The facility shall notify the resident's physician of any accident, injury, or significant change in a resident's condition that threatens the health, safety or welfare of a resident, including, but not limited to, the presence of incipient or manifest decubitus ulcers or a weight loss or gain of five percent or more within a period of 30 days. The facility shall obtain and record the physician's plan of care for the care or treatment of such accident, injury or change in condition at the time of notification.
- e) Review of medication orders: The staff pharmacist or consultant pharmacist shall review the medical record, including physician orders and laboratory test results, at least monthly and, based on his/her clinical experience and judgment, determine if there are irregularities that would cause potential adverse reactions, allergies, contraindications, or ineffectiveness. This review shall be done at the facility. Documentation of this review must be entered in the clinical record. Any irregularities noted shall be reported to the attending physician, the medical director, and the provost.

Section 225.1030 Personnel Policies

- a) An Alzheimer's disease management center model shall develop and maintain written personnel policies that are followed in the operation of the facility.
- b) Employee Records
 - 1) Each employee shall complete an employment application form, which shall be kept on file in the facility and shall be available for review by Department personnel.
 - 2) Individual personnel files for each employee shall contain the employee's date of employment, date of birth, home address, educational background, and experience including types of employment; where the employee was previously employed; type of position employed to fill in this facility; last day employed (if no longer in present facility) and reasons for leaving.
 - 3) Individual personnel files for each employee shall contain health records, including the initial health evaluation, and documentation of the tuberculin skin test.
 - 4) Individual personnel records for each employee shall contain

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- c) records of evaluation of performance.
 - c) Prior to employing any individual in a position that requires a State license, the facility shall contact the Illinois Department of Professional Regulation to verify that the individual's license is authorized and in good standing. A copy of the license shall be placed in the individual's personnel file.
 - d) All personnel shall have either training or experience, or both, in the job assigned to them.
 - e) All new employees shall complete an orientation program covering, at a minimum, the following: general facility and resident orientation; job orientation, emphasizing allowable duties of the new employee; resident safety, including fire and disaster, and emergency care; and understanding and communicating with the type of residents being cared for in the facility. In addition, all new direct care staff shall complete an orientation program covering the facility's policies and procedures for resident care services before being assigned to provide direct care to residents. This orientation program shall include material regarding the prevention and treatment of decubitus ulcers, which shall be devised and taught by a wound care specialist, and the importance of nutrition in general health care.
 - f) Employees shall only be assigned duties that are directly related to their job functions, as identified in their job descriptions. Exceptions may be made in emergencies.
 - g) Nothing in this Section shall prohibit the use of a universal worker, if all other requirements are met.
 - h) Personnel policies shall include a plan to provide personnel coverage for regular staff when one or more are absent.
 - i) The Model shall have a current, dated weekly employee time schedule posted in a convenient place where employees may refer to it. This schedule shall contain the employee's name, job title, shift assignment, hours of work, and days off. The schedule shall be kept on file in the facility for one year after the week for which the schedule was used.

Section 225.1040 Health Evaluations for Employees

- a) Each employee shall have an initial health evaluation, which shall be used to ensure that employees are not placed in positions that would pose undue risk of infection to themselves, other employees, residents or visitors.
- b) The initial health evaluation shall be performed by a physician Board Certified in Internal Medicine or Family Practice and shall be completed not more than 30 days prior to the employee's first day of employment.
- c) The initial health evaluation shall include the following:
 - 1) A health inventory from the employee, including an evaluation of the employee's immunization status.
 - 2) A physical examination, which shall include:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- A) Any procedures needed to detect any unusual susceptibility to infection and any conditions that would increase the likelihood of the transmission of disease to residents, other employees, or visitors;
- B) Any procedures needed to determine that the employee appears to be physically able to perform the job functions that the Model intends to assign to the employee;
- 3) Tuberculin testing in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696), which shall be done at the time of the physical examination.

Section 225.1050 Health Care Worker Background Check

- a) The facility shall not knowingly hire any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the following offenses (Section 25(a) of the Health Care Worker Background Check Act (225 ILCS 46/251):
- 1) Solicitation of murder, solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 8-1.1 and 8-1.2));
 - 2) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1.1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2 and 9-3.3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, and 9-3.3); Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 3, 236, 358, 360, 361, 362, 363, 364, 364a, 365, 370, 373, 373a, 417, and 474));
 - 3) Kidnapping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5, and 10-7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-1, 10-2, 10-5, and 10-7); Ill. Rev. Stat. 1985, ch. 38, par. 10-6; Ill. Rev. Stat. 1961, ch. 38, pars. 384 to 386));
 - 4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1, and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1, and 10-4] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 10-3, 10-3.1, and 10-4); Ill. Rev. Stat. 1961, ch. 38, pars. 252, 252.1, and 252.4));
 - 5) Indecent solicitation of a child, sexual exploitation of a child, exploitation of a child, child pornography (Sections 11-6, 11-9.1, 11-19.2, and 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-6, 11-19.2, and 11-20.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-6, 11-19.2, and 11-20.1); Ill. Rev. Stat. 1983, ch. 38, par. 11-20a; Ill. Rev. Stat. 1961, ch. 38, pars. 103 and 104));
 - 6) Assault, battery, heinous battery, tampering with food, drugs or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- cosmetics, or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, and 12-4.7); Ill. Rev. Stat. 1961, ch. 38, par. 55, 56, and 56a to 60b));
- 7) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 5/12-7.4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-7.4));
- 8) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-11));
- 9) Sexual assault or sexual abuse (Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-14.1, 12-15, and 12-16] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 11-1, 11-2, 11-3, 11-4, 11-5, 12-13, 12-14, 12-15, and 12-16); Ill. Rev. Stat. 1985, ch. 38, pars. 11-1, 11-4, and 11-4.1; Ill. Rev. Stat. 1961, ch. 38, pars. 109, 141, 142, 490, and 491));
- 10) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-19));
- 11) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 12-21));
- 12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354; Ill. Rev. Stat. 1961, ch. 38, par. 95));
- 13) Ritual mutilation, ritualized abuse of a child (Sections 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-32 and 12-33));
- 14) Theft, retail theft (Sections 16-1 and 16A-3 of the Criminal Code of 1961 [720 ILCS 5/16-1 and 16A-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496));
- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
 - 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
 - 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3); Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));
 - 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
 - 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1); Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));
 - 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2); Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155, 155a to 158b, 414a to 414c, 414e, and 414g));
 - 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));
 - 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2354));
 - 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 2368));
 - 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18; violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705.1, 705.2, 707, and 709)); or
 - 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The facility shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section unless the applicant, employee or employer obtains a waiver

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- c) A facility shall not hire, employ, or retain any individual in a position with duties involving direct care of residents if the facility becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsections (a)(1) to (27) of this Section, as verified by court records, records from a State agency, or an FBI criminal history record check. This shall not be construed to mean that a facility has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Health Care Worker Background Check Act)
- d) For the purpose of this Section:
 - 1) "Applicant" means an individual seeking employment with a facility who has received a bona fide conditional offer of employment.
 - 2) "Conditional offer of employment" means a bona fide offer of employment by a facility to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsections (a)(1) to (27) of this Section.
 - 3) "Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.
 - 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- e) For purposes of the Health Care Worker Background Check Act, the facility shall establish a policy defining which employees provide direct care. In making this determination, the facility shall consider the following:
 - 1) The employee's assigned job responsibilities as set forth in the employee's job description;
 - 2) Whether the employee is required to or has the opportunity to be alone with residents, with the exception of infrequent or unusual occasions; and
 - 3) Whether the employee's regular responsibilities include physical contact with residents, for example to provide therapy or to draw blood.
- f) When the facility makes a conditional offer of employment to an applicant who is not exempt under subsection (s) of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the facility must initiate

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)

g) The facility shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)

h) The facility may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (f) of this Section.

i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:

1) That the facility shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.

2) That the applicant or employee has a right to obtain a copy of the criminal records report from the facility, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) of this Section.

3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.

4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.

5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) to (27) of this Section unless the employee's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

j) A facility may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)

k) An applicant or employee whose non-fingerprint-based UCIA criminal

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsections (a)(1) to (27) of this Section may request that the facility or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)

1) A facility having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days after acquiring that knowledge. The facility may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)

m) An applicant, employee or employer may request a waiver to subsection (a), (b) or (c) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:

1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) (which the Department will forward to the Department of State Police); and

2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.

n) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsections (m)(1) and (2) above. (Section 40(a-5) of the Health Care Worker Background Check Act)

o) The Department may grant a waiver based on mitigating circumstances, which may include:

1) The age of the individual at which the crime was committed;

2) The circumstances surrounding the crime;

3) The length of time since the conviction;

4) The applicant's or employee's criminal history since the conviction;

5) The applicant's or employee's work history;

6) The applicant's or employee's current employment references;

7) The applicant's or employee's character references;

8) Nurse Aide Registry records; and

9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- p) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the employer may continue to employ the individual in a direct care position if the individual presents convincing evidence to the employer that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)
- q) A facility is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)
- r) A facility may retain the individual in a direct care position if the individual presents clear and convincing evidence to the facility that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsections (a)(1) to (27) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but not be limited to:
- 1) certified court records;
 - 2) written verification from the State's Attorney's office that prosecuted the conviction at issue;
 - 3) written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
 - 4) a signed affidavit from the individual concerning the validity of the report; or
 - 5) documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.
- s) This Section shall not apply to:
- 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
 - 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or
 - 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)
- t) The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- u) The facility shall retain on file for a period of 5 years records of criminal records requests for all employees. The facility shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)
- v) The facility shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.
- Section 225.1060 Disaster Preparedness**
- a) For the purpose of this Section only, "disaster" means an occurrence, as a result of a natural force or mechanical failure such as water, wind or fire, or a lack of essential resources such as electrical power, that poses a threat to the safety and welfare of residents, personnel, and others present in the facility.
- b) The facility shall have policies covering disaster preparedness, including a written plan for staff, residents and others to follow. The plan shall include, but not be limited to, the following:
- 1) All personnel employed on the premises shall be properly instructed in the use of fire extinguishers.
 - 2) A diagram of the evacuation route shall be posted and made familiar to all personnel employed on the premises.
 - 3) A written plan shall be developed for moving residents to safe locations within the facility in the event of a tornado warning or severe thunderstorm warning.
 - 4) There shall be an established means of facility notification when the National Weather Service issues a tornado or severe thunderstorm warning that covers the area in which the facility is located. The notification mechanism must be other than commercial radio or television. Approved notification measures include being within range of local tornado warning sirens, an operable National Oceanic and Atmospheric Administration weather radio in the facility or arrangements with local public safety agencies (police, fire, ESDA) to be notified if a warning is issued.
- c) Fire drills shall be held at least quarterly for each shift of facility personnel. Disaster drills for other than fire shall be held twice annually for each shift of facility personnel. Drills shall be held under varied conditions to:
- 1) Ensure that all personnel on all shifts are trained to perform

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

assigned tasks;

- 2) Ensure that all personnel on all shifts are familiar with the use of the fire fighting equipment in the facility; and
- 3) Evaluate the effectiveness of disaster plans and procedures.
- d) Fire drills shall include simulation of evacuation of residents to safe areas during at least one drill each year on each shift.
- e) There shall be special provisions for the evacuation of physically handicapped persons, including those who are hearing or sight impaired.
- f) Where the welfare of the residents precludes an actual evacuation of an entire building, there must be drills involving the evacuation of successive portions of the building under such conditions as to assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
- g) A written evaluation of each drill shall be submitted to the facility administrator and shall be maintained for one year.
- h) A written plan shall be developed for temporarily relocating the residents for any disaster requiring relocation and any time the temperature in residents' bedrooms falls below 55°F for 12 hours or more.
- i) Reporting of Disasters
 - 1) Upon the occurrence of any disaster requiring hospital service, police, fire department or coroner, the facility administrator or designee must provide a preliminary report to the Department either by using the Central Complaint Registry or by directly contacting the Department during business hours. This preliminary report shall include, at a minimum:
 - A) name and location of facility;
 - B) type of disaster;
 - C) number of injuries or deaths to residents;
 - D) number of beds not usable due to the occurrence;
 - E) estimate of the extent of damages to the facility;
 - F) type of assistance needed, if any; and
 - G) other State or local agencies notified about the problem.
 - 2) If the disaster will not require direct Departmental assistance, the facility shall provide the preliminary report within 24 hours after the occurrence. Additionally, the facility shall submit a full written account to the Department within seven days after the occurrence, which includes the information specified in subsection (i)(1) of this Section and a statement of actions taken by the facility after the preliminary report.
- j) The facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents when the heat index/apparent temperature (see Section 225.200 A), as established by the National Oceanic and Atmospheric Administration, inside the residents' living, dining, activities, or sleeping areas of the facility exceeds a heat index/apparent temperature of 80°F.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

Section 225.1070 Restraints

- a) The facility shall have written policies controlling the use of physical restraints. Adaptive equipment is not considered a physical restraint. Wrist bands or devices on clothing that trigger electronic alarms to warn staff that a resident is leaving a room do not, in and of themselves, restrict freedom of movement and should not be considered as physical restraints. The policies shall be followed in the operation of the facility. These policies shall be developed by the medical director and by nursing and administrative personnel.
- b) No physical restraints with locks shall be used.
- c) Physical restraints shall not be used on a resident for the purpose of discipline or convenience.
- d) The use of chemical restraints is prohibited.

Section 225.1080 Abuse and Neglect

- a) An owner, licensee, employee or agent of a facility shall not abuse or neglect a resident.
- b) A facility employee or agent who becomes aware of abuse or neglect of a resident shall immediately report the matter to the provost.
- c) A provost who becomes aware of abuse or neglect of a resident shall immediately report the matter by telephone and in writing to the resident's representative.
- d) A facility employee or agent who becomes aware of abuse or neglect of a resident shall also report the matter to the Department.
- e) When an investigation of a report of suspected abuse of a resident indicates, based upon credible evidence, that an employee of the facility is the perpetrator of the abuse, that employee shall immediately be barred from any further contact with residents of the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee.
- f) When an investigation of a report of suspected abuse of a resident indicates, based upon credible evidence, that another resident of the facility is the perpetrator of the abuse, that resident's condition shall be immediately evaluated to determine the most suitable therapy and placement for the resident, considering the safety of that resident as well as the safety of other residents and employees of the facility.

SUBPART C: PERSONNEL

Section 225.2000 General Requirements

- a) The facility shall provide adequate, properly trained and supervised staff to meet each resident's comprehensive care. Services shall be provided by a coordinated care team.
- b) The facility shall define, through job descriptions, necessary

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

education and experience requirements for all regular staff, consultants, and contract staff providing services to the Alzheimer's disease management center model.

- c) The facility shall provide an initial orientation and routine, pertinent training to all staff.
- d) The facility shall designate a provost, whose minimum qualifications shall include:

- 1) Graduate education with degree, and with experience in health services administration, management, providing continuing education and in-service training, and the use of innovative assessment tools;
 - 2) Knowledge of the diverse manifestations of brain illnesses, especially the Alzheimer's type; and
 - 3) Knowledge of basic concepts to foster and develop harmonious relationships with understanding toward residents and personnel.
- e) A registered nurse shall be responsible for managing the day-to-day health needs of every resident under his/her direct care.
 - f) A registered nurse shall be on duty in the facility 24 hours per day, seven days per week.
 - g) A registered nurse shall be designated as Supervisory Nurse, who shall:

- 1) Promote the competency, numbers, and staff levels of nursing personnel appropriate to meet the complex needs of the persons served;

- 2) Identify and implement a nursing program and structure such that the persons served will receive coordinated services; and
- 3) Provide ongoing monitoring of compliance with nursing standards.

- h) Care managers shall be employed to organize the provision of services to residents. Minimum qualifications shall include:

- 1) Two years of experience working with individuals with dementia; and

- 2) Ability to:

- A) Prepare a comprehensive care plan with guidance;
 - B) Recognize emerging conditions for each resident;
 - C) Adjust the care plan to accommodate changes in a resident's condition;
 - D) Monitor the performance of care givers;
 - E) Address present and future care needs of the residents; and
 - F) Promote an optimal quality of life for the Alzheimer's resident.
- i) A social worker shall be employed to direct the social services provided by the Model.

Section 225.2010 Staff Training

- a) *All staff shall have necessary training to care for all stages of Alzheimer's Disease.* (Section 35(5) of the Act) Programmed courses shall be provided.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- b) All employees shall attend in-service training programs pertaining to their assigned duties at least annually. These in-service training programs shall include material regarding the facility's policies, skill training, and ongoing education carried out to enable all personnel to perform their duties effectively. The in-service training sessions regarding personal care, nursing and restorative services shall include material concerning prevention and treatment of decubitus ulcers. In-service training concerning dietary services shall include material concerning effects of diet in treatment of various diseases or medical conditions and the importance of laboratory test results in determining therapeutic diets. Written records of program content for each session and of personnel attending each session shall be kept. In-service training shall be held at three-month intervals.

- c) In-service training may include demonstration, one-on-one training, small group exercises, or lectures. All training shall be documented with:

- 1) date,
- 2) starting and ending time,
- 3) instructors,
- 4) short description of content, and
- 5) staff member's written signature.

Section 225.2020 Nursing Assistants

- a) A facility shall not employ an individual as a nursing assistant unless the facility has inquired of the Department as to information in the Nurse Aide Registry concerning the individual.

- b) The facility shall ensure that each nursing assistant is included on the Nurse Aide Registry as having met training or equivalency requirements and not having a disqualifying criminal conviction.

- c) Each person employed by the facility as a nursing assistant shall meet each of the following requirements:

- 1) Be at least 18 years of age, of good moral character, honest, reliable, and trustworthy;
 - 2) Be able to speak and understand the English language or a language understood by a substantial percentage of the facility's residents;
 - 3) Provide evidence of prior employment or occupation, if any, and residence for two years prior to present employment as a nursing assistant; and
 - 4) Have a valid high school diploma or equivalent.
- d) The facility shall certify that each nursing assistant employed by the facility meets the requirements of this Section. Such certification shall be retained by the facility as part of the employee's personnel record.
 - e) During inspections of the facility, the Department may require nursing assistants to demonstrate competency in the principles, techniques,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

and procedures covered by the basic nursing assistant training program curriculum described in 77 Ill. Adm. Code 395, and other training required by this Part, when possible problems in the care provided by nursing assistants or other evidences of inadequate training are observed. The State-approved manual skills evaluation testing format and forms will be used to determine competency of a nursing assistant when appropriate. Failure to demonstrate competency of the principles, techniques and procedures shall result in the provision of in-service training to the individual by the facility. The in-service training shall address the basic nursing assistant training principles and techniques relative to the procedures in which the nursing assistants are found to be deficient during inspection (see 77 Ill. Adm. Code 395).

SUBPART D: RESIDENT CARE POLICIES

Section 225.3000 Resident Assessment

- a) The facility shall establish policies and procedures defining the assessment process.
- b) Prior to admission, each prospective resident shall receive a complete physical examination with specific laboratory testing as follows:
 - 1) Vitamin B12 and Folate levels;
 - 2) Thyroid stimulating hormone level;
 - 3) Complete blood count and blood parameters;
 - 4) Electrocardiogram, 12 lead;
 - 5) Chest radiologic study; and
 - 6) Magnetic Resonance Imaging (MRI) study of the brain, when possible.
- c) Within two weeks after admission, each resident shall be assessed by a neurologist, a registered nurse, a psychiatrist and a care manager. A family member or other individual with knowledge about the resident shall participate in the assessment.
- d) The neurologist, with input from the registered nurse, shall determine the resident's need for evaluation by a dietitian or for other specialized medical evaluations. The assessment shall be coordinated with the pre-admission assessment to the extent possible to avoid duplicative testing.
- e) The assessment shall be used, along with the pre-admission assessment, to develop the resident's comprehensive care plan. At four-week intervals, the resident's status shall be reviewed by the facility's nursing, social service and activities and recreation staff.
- f) In addition to the assessments required in subsections (c) and (d) of this Section, an Alzheimer's disease management center shall conduct and document an assessment of each resident every six months. The assessment conducted shall include an evaluation of the following:
 - 1) daily functioning,
 - 2) cognitive status, and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- 3) *behavioral problems.* (Section 35(5) of the Act)
- g) Assessment outcomes shall be reported to appropriate personnel and to the resident and/or resident's representative.

Section 225.3010 Resident Comprehensive Care Plan

- a) *An Alzheimer's disease management center shall develop and implement an ongoing treatment plan for each resident. The treatment plan shall have defined goals.* (Section 35(5) of the Act)
- b) The comprehensive care plan shall be implemented within 24 hours after the resident's admission to the facility based on the pre-admission assessment.
- c) The comprehensive care plan shall be revised as needed based on assessments conducted in accordance with Section 225.3000 of this Part.
- d) The comprehensive care plan shall include, at a minimum:
 - 1) Staging of the resident based on cognitive study;
 - 2) Assignment to a care manager;
 - 3) Dietary prescription; and
 - 4) Activities provided throughout the day and evening.
- e) The facility shall define the members of the care team who will develop and review the plan. The members of the team shall include, at a minimum:
 - 1) The resident;
 - 2) Resident representative, if he/she chooses to participate, and any other persons chosen by the resident;
 - 3) A person assigned to coordinate services for the person (care manager);
 - 4) A nurse; and
 - 5) Persons providing services for the resident, based on the assessment.
- f) The care team shall meet at least every 30 days to implement and modify the care plan as needed. The care manager shall ensure that the comprehensive care plan is implemented and that the appropriate services are coordinated to ensure that the comprehensive care plan is followed.

Section 225.3020 Resident Care and Treatment Services

- a) *The Alzheimer's disease management center shall treat behavioral problems and mood disorders using nonpharmacologic approaches such as:*
 - 1) environmental modification,
 - 2) task simplification, and
 - 3) other appropriate activities. (Section 35(5) of the Act)
- b) *An Alzheimer's disease management center shall provide education and support for residents and caregivers. The education and support shall include referrals to support organizations for educational materials on community resources, support groups, legal and financial issues,*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

respite care, and future care needs and options. (Section 35(5) of the Act)

c) *The education and support required by subsection (b) of this Section shall also include a discussion of the resident's need to make advance directives and to identify surrogates for medical and legal decision making.* (Section 35(5) of the Act)

d) *The facility shall provide access to appropriate emergency and specialty medical services. A care manager shall be designated for each resident. A care manager may serve one or more residents. The provision of services for each resident shall be organized through the care manager, who shall:*

- 1) *Assume responsibility for implementation of the care plan;*
- 2) *Assist the resident in becoming oriented to his/her program;*
- 3) *Enable the program to proceed in an orderly, purposeful, and goal-oriented manner;*
- 4) *Promote the program's responsiveness to the needs and preferences of the resident;*
- 5) *Participate consistently in care team conferences concerning the resident; and*
- 6) *Maintain communication with family members, resident representative (if designated), and funding source of the resident.*

e) *The licensee shall provide adequate auxiliary and support services to meet each resident's comprehensive care plan.*

f) *The facility shall provide other services as necessary to implement and support the resident's comprehensive care plan and overall needs, including provisions for:*

- 1) *Case management;*
 - 2) *Fostering resident independence;*
 - 3) *Protection of resident rights, privacy and dignity; and*
 - 4) *Assisting the resident and resident's representative in understanding and adjusting to the resident's current condition, prognosis and future needs.*
- g) *Services shall be delivered in the least restrictive or intrusive manner.*

Section 225.3030 Activity Program

a) *The facility shall provide an ongoing program of activities to meet the interests and preferences and the physical, mental and psychosocial well-being of each resident, in accordance with the resident's comprehensive assessment. The activities shall be coordinated with other services and programs to make use of both community and facility resources and to benefit the residents.*

b) *Activity personnel shall be provided to meet the needs of the residents and the program.*

- 1) *Activity staff time each week shall total not less than 45 minutes multiplied by the number of residents in the facility.*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

This time shall be spent in providing activity programming as well as planning and directing the program. The time spent in the performance of other duties not related to the activity program shall not be counted as part of the required activity staff time.

2) *Activity personnel shall have the background and education necessary to be able to implement drama, music, and art therapeutic technique.*

c) *Activity personnel working under the direction of the activity director shall have a minimum of 10 hours of in-service training per calendar or employment year, directly related to recreation/activities. In-service training may be provided by qualified facility staff and/or consultants, or may be obtained from college or university courses, seminars and/or workshops, educational offerings through professional organizations, similar educational offerings or any combination thereof.*

d) *Activity Director*

- 1) *A trained staff person shall be designated as activity director and shall be responsible for planning and directing the activities program. This person shall be regularly scheduled to be on duty in the facility at least four days per week.*

2) *The activity director shall be a certified Therapeutic Recreation Specialist.*

3) *The activity director shall have a minimum of ten hours of continuing education per year pertaining to activities programming.*

e) *Written permission, with any contraindications stated, shall be given by the resident's physician if the resident participates in the activity program. Standing orders will be acceptable with individual contraindications noted.*

f) *Activity program staff shall participate in the assessment of each resident, which shall include the following:*

- 1) *Background information, including education level, cultural/social issues, and spiritual needs;*
- 2) *Current functional status, including communication status, physical functioning, cognitive abilities, and behavioral issues; and*

3) *Leisure functioning, including attitude toward leisure, awareness of leisure resources, knowledge of activity skills, and social interaction skills and activity interests, both current and past.*

g) *The activity staff shall participate in the development of an individualized plan of care addressing needs and interests of the residents, including activity/recreational goals and/or interventions. The facility shall provide a specific, planned program of individual (including self-initiated) and group activities that are aimed at improving, maintaining, or minimizing decline in the resident's functional status, and at promoting well-being. The program shall be designed in accordance with the individual resident's needs, based on*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

past and present lifestyle, cultural/ethnic background, interests, capabilities, and tolerance. Activities shall be daily and shall reflect the schedules, choices, and rights of the residents (e.g., morning, afternoon, evenings, and weekends). The residents shall be given opportunities to contribute to planning, preparing, conducting, concluding and evaluating the activity program.

- i) The activity program shall be multifaceted and shall reflect each individual resident's needs and be adapted to the resident's capabilities. The activity program philosophy shall encompass programs that provide stimulation or solace; promote physical, cognitive and/or emotional health; enhance, to the extent practicable, each resident's physical and mental status; and promote each resident's self-respect by providing, for example, activities that support self-expression and choice. Specific types of activities may include:
 - 1) Physical activity (e.g., exercise, fitness, adapted sports);
 - 2) Cognitive simulation/intellectual/educational activity (e.g., discussion groups, reminiscence, guest speakers, films, trivia, quizzes, table games, puzzles, writing, spelling, newsletter);
 - 3) Spiritual/religious activity (e.g., religious services, spiritual study groups, visits from spiritual support groups);
 - 4) Service activity (e.g., volunteer work for the facility, other individuals and/or the community);
 - 5) Sensory stimulation (e.g., tactile, olfactory, auditory, visual and gustatory);
 - 6) Community involvement (e.g., community groups coming into the facility for intergenerational programs, special entertainment and volunteer visits; excursions outside the facility to museums, sporting events, entertainment, parks);
 - 7) Expressive and creative arts/crafts (adapted to the resident's capabilities), music, movement/dance, horticulture, pet-facilitated therapy, drama, literary programs, art, cooking;
 - 8) Family involvement (e.g., correspondence, family parties, holiday celebrations, family volunteers); and
 - 9) Social activity (e.g., parties and seasonal activities).

- j) Residents' participation in and response to the activity program shall be documented at least quarterly and included in the clinical record. The facility shall maintain current records of resident participation in the activity program.

Section 225.3040 Volunteer Program

- a) If the facility has a volunteer or auxiliary program, a staff person shall direct the program. Community groups such as Boy Scouts and Girl Scouts, church groups and civic organizations that may occasionally present programs, activities, or entertainment in the facility shall not be considered volunteers for the purposes of this Section.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- b) Volunteers shall complete a standard orientation program, in accordance with their responsibilities and with the facility's policies and procedures governing the volunteer program. The orientation shall include, but not be limited to:
 - 1) Residents' rights;
 - 2) Confidentiality;
 - 3) Disaster preparedness (i.e., fire, tornado);
 - 4) Emergency response procedures;
 - 5) Safety procedures/precautions;
 - 6) Infection control; and
 - 7) Body mechanics.
- c) Volunteers shall respect all aspects of confidentiality.
- d) Volunteers shall be informed of and shall implement medical and physical precautions related to the residents with whom they work.
- e) Volunteers shall not take the place of qualified staff (e.g., activity professionals, nursing assistants, or case workers).

Section 225.3050 Residential Services

- a) Twenty-four hour supervision shall be provided in each living environment. At least one staff member shall be present in each living environment at all times when residents are present.
- b) An emergency response system shall be provided.
- c) Twenty-four hour access to assistance shall be provided in each environment.
- d) The facility shall have policies and procedures in place to guide decisions regarding the necessary level of supervision each resident requires in the facility.

Section 225.3060 Medication Administration

- a) Except for medications allowed in subsection (c) of this Section, the only medications allowed in the facility are those for particular individual residents. The medication of each resident shall be kept and stored in the original container received from the pharmacy or as packaged by the nurse, when preparing unit dose packages from multidose containers.
 - 1) Each multidose medication container shall indicate the resident's name; physician's name; prescription number, name, strength and quantity of drug; date the container was last filled; the initials of the pharmacist filling the prescription; the identity of the pharmacy, the refill date; and any necessary special instructions.
 - 2) Each single unit or unit dose package shall contain the proprietary and nonproprietary name of the drug and the strength of the dose. The name of the resident and the physician do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- the drug is administered to the correct resident.
- b) All oral medication packaged in multidose containers, prescribed medication given through a feeding tube, and all parenteral medication must be administered by a registered nurse or physician.
 - c) A small supply of medications regularly available without prescription at a commercial pharmacy may be stocked in the facility, such as: noncontrolled cough syrups, laxatives, and analgesics. These shall be given to a resident only upon the order of a physician.
 - d) Each living area shall have a first aid kit that contains items appropriate to treat minor cuts, burns, and abrasions.
 - e) All medications shall be properly stored in a secured location not accessible to unauthorized individuals.

SUBPART E: RESIDENTS' RIGHTS

Section 225.4000 Residents' Rights

- a) No resident shall be deprived of any rights, benefits, or privileges guaranteed by law based on their status as a resident of the Model.
- b) A resident has the right to be free from abuse, neglect or restraint.
- c) A resident shall be permitted to retain and use or wear personal property in his/her immediate living quarters, unless deemed medically inappropriate by a physician and so documented in the resident's clinical record.
- d) If clothing is provided to the resident by the facility it shall be of a proper fit.
- e) The facility shall provide adequate and convenient storage space for the personal property of the resident.
- f) The facility shall make reasonable efforts to prevent loss and theft of residents' property. Those efforts may include, but are not limited to, staff training and monitoring, labeling property, and frequent property inventories.
- g) The facility shall develop procedures for investigating complaints concerning theft of residents' property and shall promptly investigate all such complaints.
- h) The provost shall ensure that married residents residing in the facility are allowed to reside in the same room unless there is no room available or it is deemed medically inadvisable by the residents' attending physician and so documented in the residents' medical records.
- i) A resident's room shall not be used as access to any other area of the building.
- j) Children under 16 years of age who are related to employees or owners of a facility shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- k) A resident shall be permitted the free exercise of religion. Upon a resident's request, and if necessary at his/her expense, the administrator shall make arrangements for a resident's attendance at religious services of the resident's choice. However, no religious beliefs or practices, or attendance at religious services, may be imposed upon any resident.
- l) The facility shall immediately notify the resident's next of kin, representative and physician of the resident's death or when the resident's death appears to be imminent.
- m) The facility shall also immediately notify the resident's family, guardian, representative, conservator and any private or public agency financially responsible for the resident's care whenever unusual circumstances such as accidents, sudden illness, disease, unexplained absences, extraordinary resident charges, billings, or related administrative matters arise.

SUBPART F: RESIDENT RECORDS

Section 225.5000 Resident Record Requirements

The facility shall maintain resident records that are accessible to service providers. Confidentiality of residents' medical records shall be ensured. Records shall include, but are not limited to:

- a) Medical records;
- b) Preadmission screening results;
- c) Resident initial and ongoing assessment results;
- d) Records pertaining to residents' property; and
- e) Comprehensive care plan.

SUBPART G: FOOD SERVICE

Section 225.6000 Director of Food Services

- a) A full-time person, qualified by training and experience, shall be responsible for the total food services of the facility. This person shall be on duty a minimum of 40 hours each week.
 - 1) This person shall be either a dietician or a dietetic service supervisor.
 - 2) The person responsible for the food service may assume some cooking duties, but only if these duties do not interfere with the responsibilities of management and supervision.
- b) If the person responsible for food service is not a dietician, the person shall have frequent and regularly scheduled consultation from a dietician. Consultation, given in the facility, shall include training, as needed, in areas such as menu planning and review, food preparation, food storage, food service, safety, food sanitation, and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

use of food equipment. Clinical management of therapeutic diets shall also be included in consulting, covering areas such as tube feeding; nutritional status and requirements of residents, including weight, height, hematologic and biochemical assessments; physical limitations; adaptive eating equipment; and clinical observations of nutrition, nutritional intake, resident's eating habits and preferences, and dietary restrictions.

Section 225.6010 Meal Planning

Each resident shall be served food to meet the resident's needs and to meet physician's orders. The facility shall use this Section to plan menus and purchase food in accordance with the following and the Dietary Guidelines for Americans of the U.S. Department of Agriculture:

- a) Milk and Milk Products Group: 16 ounces or more of Grade A whole or low fat pasteurized milk where milk is used for fluid consumption. Calcium equivalents for eight ounces of milk:

- 1) 1 1/2 ounces natural cheese,
- 2) Two ounces processed cheese,
- 3) One cup yogurt, or one cup frozen yogurt,
- 4) One cup cottage cheese, or
- 5) 1 1/2 cups ice cream or ice milk.

- b) Meat Group: A total of 6 ounces (by weight) of good quality protein to provide 38 to 42 grams of protein daily. To ensure variety, food items repeated within the same day shall not be counted as meeting a required serving. The following are examples of one serving:

- 1) Three ounces (excluding bone, fat and breading) of any cooked meat such as whole or ground beef, veal, pork or lamb; poultry; organ meats such as liver, heart, kidney; prepared luncheon meats.

- 2) Three ounces (excluding skin and breading) of cooked fish or shell fish or 1/2 cup canned fish.

- 3) Three ounces of natural or processed cheese or 3/4 cup cottage cheese.

- 4) Three eggs (minimum weight 21 ounces per dozen, considered a medium egg).

AGENCY NOTE: If one egg is served at a meal, a protein food of good quality may be reduced from six to five ounces for the remaining meals. If two eggs are served at a meal, a minimum of two ounces of good quality protein shall be served at each of the remaining meals.

- 5) 1 1/2 cups cooked dried peas or beans, six tablespoons of peanut butter, or one cup nuts, not more than twice a week and provided that eggs, milk or lean meat is served at the same meal.

- 6) Three ounces of soy protein containing not less than 21 grams of protein or in combination with other sources of quality protein to equal 21 grams of protein, provided that it is acceptable to the resident population.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- 7) Combinations of all above examples are acceptable, provided that the minimum standard of six ounces of a good quality protein food is served daily and provided that the combinations do not conflict with eye appeal or palatability.

- 8) The content of meat alternative products shall be listed on the menu.

- c) Vegetable and Fruit Group: Five or more servings of fruits or vegetables.

- 1) A serving consists of:

- A) 1/2 cup chopped raw, cooked, canned or frozen fruit or vegetables;
- B) 3/4 cup fruit or vegetable juice; or
- C) One cup raw leafy vegetable.

- 2) The five or more servings shall consist of:

- A) Sources of vitamin C

- i) One serving of a good source of vitamin C (containing at least 60 mg of vitamin C); or

- ii) Two servings of a fair source of vitamin C. This may be more than one food item and shall contain a total of at least 50-100 mg of vitamin C.

- B) One serving of a good source of vitamin A at least three times a week supplying at least 1000 micrograms retinol equivalent (RE) of vitamin A.

- C) Other fruits and vegetables, including potatoes, which may be served in 1/3 cup or larger portions.

- 3) To ensure variety, food items repeated within the same day shall not be counted as meeting a required serving.

- d) Bread, Cereal, Rice and Pasta Group: Six or more servings of whole grain, enriched or restored products. One serving equals:

- 1) One slice of bread,
- 2) 1/2 cup of cooked cereal, rice, pasta, noodles, or grain product,
- 3) 3/4 cup of dry, ready-to-eat cereal,
- 4) 1/2 hamburger or hotdog bun, bagel or English muffin,
- 5) One 4-inch diameter pancake,
- 6) One tortilla,
- 7) Three to four plain crackers (small),
- 8) 1/2 croissant (large), doughnut or danish (medium),
- 9) 1/16 cake,
- 10) Two cookies, or
- 11) 1/12 pie (2-crust, 8").

- e) Butter or Margarine: To be used as a spread and in cooking.

- f) Any orders for a change in salt usage in food preparation shall define the gram total. The normal salt intake shall be 10 grams.

- g) Other foods shall be served to round out meals, satisfy individual appetites, improve flavor, and meet the individual's nutritional and caloric needs.

- h) Meals for the day shall be planned to provide a variety of foods, variety in texture and good color balance. The following meal

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

patterns shall be used.

1) Three meals a day plan:

A) Breakfast: Fruit or juice, cereal, meat (optional, but three to four times per week preferable), bread, butter or margarine, milk, and choice of additional beverage.

B) Main Meal (may be served noon or evening): Soup or juice (optional), entree (quality protein), potato or potato substitute, vegetable or salad, dessert (preferably fruit unless fruit is served as a salad or will be served at another meal), bread, butter or margarine, and choice of beverage.

C) Lunch or Supper: Soup or juice (optional), entree (quality protein), potato or potato substitute (optional if served at main meal), vegetable or salad, dessert, bread, butter or margarine, milk, and choice of additional beverage.

2) Other meal plans may be used if the facility is able to meet residents' needs using such plans.

Section 225.6020 Menus and Food Records

a) Menus, including menus for "sack" lunches and between meal or bedtime snacks, shall be planned at least one week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook marked "Substitutions", which is kept in the kitchen. If a notebook is used to document substitutions, it shall include the date of the substitution; the meal at which the substitution was made; the menu as originally written; and the menu as actually served.

b) The menu for the current week shall be dated and available in the kitchen. Upon the request of the Department, sample menus shall be submitted for evaluation.

c) Menus shall be different for the same day of consecutive weeks and adjusted for seasonal differences.

d) All menus as actually served shall be kept on file at the facility for not less than 30 days.

e) Food label information for purchased prepared food listing food composition and, when available, nutrient content shall be kept on file in the facility for the current menu cycle.

f) Supplies of staple foods for a minimum of a one week period and of perishable foods for a minimum of a two day period shall be maintained on the premises. These supplies shall be appropriate to meet the requirements of the menu.

g) Records of all food purchased shall be kept on file in the facility for not less than 30 days.

Section 225.6030 Diet Orders

a) The facility shall comply with the applicable provisions of the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

a) Two or more copies of a current diet manual shall be available and in use. One copy shall be located in the kitchen for use by dietary personnel. Other copies shall be located at each nurses' station for use by physicians when prescribing diets.

b) Physicians shall write a diet order, in the medical record, for each resident indicating whether the resident is to have a general or a therapeutic diet. The diet shall be served as ordered.

c) A written diet order shall be sent to the food service department when each resident is admitted and each time that the resident's diet is changed. Each change shall be ordered by the physician. The diet order shall include, at a minimum, the following information: name of resident, room and bed number, type of diet, consistency if other than regular consistency, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department.

d) The resident shall be observed to determine acceptance of the diet, and these observations shall be recorded in the medical record.

e) A therapeutic diet means a diet ordered by the physician as part of a treatment for a disease or clinical condition, to eliminate or decrease certain substances in the diet (e.g., sodium) or to increase certain substances in the diet (e.g., potassium), or to provide food in a form that the resident is able to eat (e.g., mechanically altered diet).

f) All therapeutic diets shall be medically prescribed and shall be planned or approved by a dietician.

g) The kinds and variations of prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, diet information for each specific type, in a form easily understood by staff, shall be available in a convenient location in the kitchen.

h) All oral liquid diets shall be reviewed every 48 hours. Medical soft diets, sometimes known as transitional diets, shall be reviewed every three weeks. All other therapeutic and mechanically altered diets, including commercially prepared formulas that are in liquid form and blenderized liquid diets, shall be reviewed as needed, or at least every three months.

i) The resident's physician, the food service director, the charge nurse, and the nursing assistants shall be made aware of any resident's feeding difficulties.

j) Each resident shall be weighed every two weeks, and the resident's weight shall be recorded in the medical chart.

SUBPART H: PHYSICAL PLANT

Section 225.7000 Codes and Standards

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

following codes and standards. Incorporations in this Section refer to the codes and standards on the dates specified in Section 225.200 of this Part.

- 1) State of Illinois rules
 - A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health.
 - B) Illinois Accessibility Code (77 Ill. Adm. Code 400), Capital Development Board.
 - C) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health.
 - D) Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120), Office of the State Fire Marshal.

2) Nationally recognized codes and standards

- A) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code (New Health Care Occupancies), and all appropriate references under Chapter 33.

B) Underwriters' Laboratories, Inc. (UL):

- i) Fire Resistance Directory
- ii) Building Material Directory
- iii) Automotive Burglary Protection Mechanical Equipment Directory.

C) American Society for Testing and Materials (ASTM) Standard No. E90-1975: Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions.

D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE): Handbook of Fundamentals.

E) BOCA International Building Code.

F) American National Standards Institute (ANSI): Standard No. A17.1-R1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped.

b) In addition to compliance with the standards set forth in this Section, all building codes, ordinances and regulations that are enforced by city, county or other local jurisdictions in which the facility is, or will be, located must be observed.

c) Where no local building code exists, the recommendations of the BOCA International Building Code shall apply.

d) The local building code or the recommendations of the BOCA International Building Code shall apply insofar as such recommendations are not in conflict with the standards set forth in this Part, or with the National Fire Protection Association Standard No. 101: Life Safety Code.

Section 225.7010 Site

- a) The facility shall be located so that the building or buildings can comply with all applicable local zoning ordinances, building

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

restrictions and fire safety requirements. The Department may have additional requirements if the proposed locations of the building or buildings on the site would result in a hazard to or be detrimental to the health, welfare, or safety of the residents in the facility. These additional requirements shall include, but are not limited to fences, stairs, and other types of barriers to prevent residents from injury.

- b) The facility shall be served by a potable water supply in compliance with the Drinking Water Systems Code.
- c) The distance from the fire station, the accessibility of the facility, and capability of the fire department must be approved in writing by the Office of the State Fire Marshal.
- d) The facility shall have at least one municipal or private fire hydrant, located within 300 feet of every point on the perimeter of the building and satisfactory for use by the equipment of the fire department serving the building, or have an acceptable equivalent. Additional hydrants may be required if needed to properly protect the residents from fire hazards. Evaluation and written approval must be obtained from the Office of the State Fire Marshal.

Section 225.7020 Administration and Public Areas

a) Facilities for persons with physical disabilities (public, staff and residents) shall be provided in administration and public areas as well as in resident areas.

b) The lobby shall include a reception and information counter or desk, waiting space, and public telephones. Drinking fountains and toilet facilities for staff and visitors shall be provided in accordance with the Illinois Plumbing Code.

c) The offices shall have sufficient space to accommodate the following functions: Administrative, Business/Financial Transactions, Professional Staff (Supervisory Nurse, Food Service Supervisor, Activity Director, Social Service Director), and Professional Consultants (Medical Director, Pharmacist, Dietician, Social Worker).

d) A multipurpose room shall be provided for conferences, meetings, interviews, and educational purposes.

e) Adequate space for recording, reviewing and storing resident records shall be provided.

Section 225.7030 Nursing Units

a) The number of resident beds in a nursing unit shall not exceed 20 beds.

1) All of the resident beds shall be in one- or two-bed rooms.

2) Not less than 40 percent of the total number of the beds in the facility shall be located in single bed rooms with a private bath, water closet and lavatory.

b) General Requirements for Bedrooms

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- 1) Resident bedrooms shall have an entrance directly off a hallway with an entrance door that swings into the room.
 - 2) Resident bedrooms shall have adequate and satisfactory artificial light and be equipped in accordance with Section 225.8050.
 - 3) Residents shall have access to a toilet room without entering the general hallway area.
 - 4) The facility shall provide a closet or wardrobe of at least four square feet for each resident.
 - 5) Resident bedroom floors shall be at or above grade level.
 - 6) Each room used as a resident bedroom shall have at least one outside window, and a total window area to the outside equal to at least one-tenth the floor area of the room.
 - 7) A wireless call system shall be provided in accordance with Section 225.8050.
 - 8) Complete visual privacy shall be provided for each resident in multibed rooms. Design for privacy shall not restrict resident access to the entry, lavatory, or toilet.
 - 9) No resident bedroom shall be located more than 120 feet from the nurses' station, clean utility room, and soiled utility room.
- c) Resident Bedrooms
- 1) Single resident bedrooms shall contain at least 100 square feet. Multiple resident bedrooms shall contain at least 80 square feet per bed. Minimum usable floor area shall be exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, vestibules, or clearly definable entryways.
- d) Special Care Room
- 1) The facility shall provide a special care room for each nursing unit.
 - 2) This room shall be provided with a private toilet room containing water closet, lavatory, bathtub or shower and all other necessary facilities to meet the resident's needs.
 - 3) This room shall be located to allow direct visual supervision from the nurses' station.
 - 4) This room shall be included in the authorized maximum bed capacity for the facility.
- e) Nurses' Station
- 1) The facility shall provide a minimum of one nursing station per unit with direct access to the hallway for each nursing unit. The location of this station shall allow visual control of each resident sleeping corridor without the use of mirrors. Separation shall be provided from the utility rooms.
 - 2) One or more nursing units may be combined at a central nursing station if sufficient space is provided for all nursing functions.
 - 3) A substation shall be provided near or adjacent to the central nurses' station, which shall include a computer network modem and a small staff office.
 - 4) A lounge with toilet room shall be provided near each station for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- nursing staff. Lockers for safekeeping of coats and personal effects may be provided within this space or in a convenient central location.
- f) Bath and Toilet Rooms
- 1) The resident bedroom toilet room shall serve no more than two resident rooms. The toilet room shall contain a water closet and a lavatory. The lavatory may be omitted from the toilet room when the resident room contains a lavatory.
 - 2) The facility shall provide one wheelchair resident toilet room for each gender residing in a nursing unit. The room shall be accessible from the hallway. This room shall contain a water closet and lavatory.
 - 3) Wheelchair resident toilet rooms are not required when all resident toilet rooms can accommodate wheelchair residents.
 - 4) The facility shall provide one training toilet room on each nursing floor, which is accessible from the hallway. Three-foot clearance at the front and both sides of the water closet shall be provided. This room shall contain a lavatory accessible for wheelchair use.
 - 5) The facility shall provide one bathtub or shower for each ten resident beds per nursing unit that are not served by bathing or showering facilities in resident rooms.
 - 6) All shower stalls for residents not needing assistance shall be at least three feet square and shall have no curb.
 - 7) The facility shall provide at least one bathtub for assisted bathing per nursing unit. There shall be a clear area at least three feet wide at both sides and one end of the tub.
 - 8) The facility shall provide at least one shower stall for assisted showering per nursing unit. The shower stall shall be at least four feet square with no curb.
 - 9) The facility shall provide a toilet room with a water closet and lavatory, accessible to the assisted bathtub and shower without entering the general hallway. This room may be arranged to serve as the training toilet facility.
 - 10) Grouped bathing and toilet facilities shall be partitioned or curtained for privacy.
- g) Utility Rooms
- 1) The clean utility room shall have direct access to a hallway, or access may be through the nurses' station entrance. This room shall contain work counters, single or double compartment sink with integral drainboard, storage cabinets, and an autoclave. (The autoclave may be waived in lieu of other methods if sterilization is approved by Department.)
 - 2) A clean linen storage room or closet within the clean utility room shall be provided. If a closed cart system is used, storage may be in an alcove.
 - 3) The soiled utility room shall have direct access to a hallway. This room shall contain work counters, storage cabinets, and a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

clinical rim flush sink. The room shall also contain a three compartment sink with integral drainboard if a utensil sanitizer is used.

- 4) The charging room for a linen chute shall be large enough to unload the collecting cart with the door closed.

h) Medication Facilities

- 1) A medication station shall be provided for 24-hour distribution of medicine to residents. The medicine preparation room shall be under the nursing staff's visual control and shall contain a work counter, refrigerator, and locked storage for biologicals and drugs. A sink for handwashing and preparation of medication shall be provided in the medication preparation room.

- 2) If medicine dispensing carts are used, a specific storage space for the cart shall be provided, which may be located in the nurses' station or in an alcove or other space under the direct control of the nursing staff. A sink for handwashing and preparation of medication shall be provided in the nurses' station.

- i) A nourishment station shall be provided with a handwashing sink and equipment, including refrigerator and storage cabinets for serving nourishment between scheduled meals. Ice for residents' use shall be provided only by icemaker dispenser units.

- j) A room for examination and treatment of residents shall be provided and shall have a minimum floor area of 100 square feet, excluding space for vestibule, closets and work counters (whether fixed or movable). The minimum room dimension shall be ten feet. The room shall contain a lavatory or sink equipped for handwashing; a work counter; storage facilities; and a desk, counter, or shelf space for writing.

- k) An equipment storage room shall be provided for storage of equipment such as I.V. stands, inhalators, air mattresses, walkers, and wheelchairs.

- l) Parking space for wheelchairs shall be provided and shall be located out of the path of normal traffic.

Section 225.7040 Dining, Living, and Activities Rooms

- a) The combined area of these rooms shall not be less than 25 square feet per resident bed.

- b) A minimum of one dining room with at least 20 square feet per resident bed shall be provided. Facilities to allow individual feeding of residents shall be provided in the nursing unit if they are not able to feed themselves. Dining area provided for this function may be included in the required area.

- c) A comfortably furnished living room shall be provided, with a total window area of at least one-tenth of the floor area.

- d) An activities room shall be provided based on program requirements.

- e) Dining, living, and activities rooms shall be located so that they are

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

not an entrance vestibule from the outside.

Section 225.7050 Therapy and Personal Care Rooms

- a) Physical and occupational therapy facilities shall be provided as may be required.
- b) A separate room shall be provided with appropriate equipment for hair care and grooming needs of the residents.

Section 225.7060 Service Departments

- a) Dietary facilities shall comply with the Food Service Sanitation Code. Food service facilities may consist of an on-site conventional food preparation system, a convenience food service system, or a combination of the two.

- b) The kitchen, consisting of food preparation, cooking and serving areas, shall be approximately ten square feet per resident bed with a minimum area of at least 200 square feet. It shall be properly located for efficient food service, and be large enough to accommodate the equipment and personnel needed to prepare and serve the number of meals required.

- c) The following facilities shall be provided as required to implement the type of food service selected:

- 1) A control station shall be provided for receiving food supplies.

- 2) Storage space shall be adequate to provide normal and emergency supply needs, approximately two and one-half square feet per resident bed, for bulk and daily food storage, located in a room convenient to the kitchen.

- 3) Conventional food preparation facilities systems require space for cooking and baking. Convenience food service systems such as frozen prepared meals, bulk packaged entrees, and individual packaged portions, or systems using contractual commissary service require space and equipment for thawing, portioning, heating, cooking, or baking.

- 4) Handwashing facilities shall be located in the food preparation area. Antibacterial soap shall be provided.

- 5) Residents' meal service facilities shall be provided as required for tray assembly and distribution.

- 6) Ware-washing space shall be located in a room or an alcove separate from food preparation and serving areas. Commercial dishwashing equipment shall be provided. Space shall also be provided for receiving, scraping, sorting, stacking and loading soiled tableware and for transferring clean tableware to the using areas. A handwashing lavatory and antibacterial soap shall be provided.

- 7) Pot-washing facilities shall be located conveniently for washing and sanitizing cooking utensils.

- 8) Storage areas shall be provided for cans, carts, and mobile tray

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- conveyors.
- 9) Waste storage facilities shall be located in a separate room easily accessible to the outside for direct pickup or disposal.
 - 10) An office or desk space shall be provided for the dietitian or dietary service manager.
 - 11) Toilets shall be accessible to the dietary staff. Handwashing facilities and antibacterial soap shall be immediately available.
 - 12) A janitors' closet for the exclusive use of the food preparation areas shall be located within the dietary department. It shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies.
 - 13) Self-dispensing ice-making facilities shall be provided.
 - 14) Adequate can, cart and mobile tray washing facilities shall be provided as required.

d) Linen Service

- 1) A laundry room with commercial equipment designed to meet the needs of the facility shall be provided unless a commercial laundry service is used.
- 2) The laundry facilities shall be designed to provide for the processing of linens from soiled linen receiving/sorting through washing, through drying, through clean linen inspection, folding and storage, maintaining a separation between soiled and clean functions.
- 3) Storage space for laundry supplies and carts shall be provided.
- 4) If washers and dryers are provided for personal use of residents, they shall be located in a room separate from the facility's laundry room.

e) Housekeeping and Storage

- 1) Sufficient janitors' closets shall be provided throughout the facility to maintain a clean and sanitary environment. Each shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies. Space for large housekeeping equipment and for back-up supplies may be centrally located.
- 2) A total area of approximately ten square feet per resident bed shall be provided for the storage areas designated in this service department. This does not include closets or wardrobes in residents' rooms. Separate storage space with provisions for locking and security control shall be provided for residents' personal effects that are not kept in residents' bedroom.
- 3) Storage rooms for maintenance supplies and yard equipment shall be provided.

SUBPART I: FACILITY DESIGN AND CONSTRUCTION

Section 225.8000 Applicability

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- a) When construction is contemplated, either for new buildings or additions or major alterations (those which are not defined as minor alterations in subsection (e) of this Section) to existing buildings coming within the scope of these standards, design development drawings and outline specifications shall be submitted to the Department for review. Approval of design development drawings and specifications shall be obtained from the Department prior to starting final working drawings and specifications. Comments or approval will be provided within 30 days after receipt by the Department.
- b) The final working drawings and specifications shall be submitted to the Department for review and approval prior to beginning of construction. For final approval to remain valid, contracts must be signed within one year after the date of final approval. Alternate methods of design development and construction such as fast track shall be acceptable if equivalency can be proved. Comments or approval will be provided within 30 days after receipt by the Department.
- c) Any contract modifications that affect or change the function, design, or purpose of a facility shall be submitted to the Department for approval prior to authorizing the modifications. Comments or approval will be provided within 30 days after receipt by the Department.
- d) The facility shall notify the Department at least 30 days before a construction has been completed. The Department will then complete a final inspection. Deficiencies noted during the final inspection must be corrected before occupancy will be allowed.
- e) Minor alterations or remodeling changes that do not affect the structural integrity of the building, that do not change functional operation, that do not affect fire safety, and that do not add beds or facilities over those for which the Model is licensed need not be submitted for drawing approval.
- f) No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor any such existing system materially altered or extended until complete plans and specifications for the installation, alteration or extension have been submitted to the Department and have been reviewed and approved.

Section 225.8010 General Building Requirements

- a) Chair Rails and Grab Bars
 - 1) Wooden chair rails shall be provided on both sides of all hallways and ramps used by residents.
 - 2) Wooden chair rails on stairs used by residents shall be provided on both sides of the stairs including the platforms and landings.
 - 3) Chair rail dimensions and details shall conform to the Illinois Accessibility Code (71 Ill. Adm. Code 400). It is recommended that chair rails be installed at a height of 32 inches measured vertically from the floor surface.
 - 4) Grab bars shall be provided for all resident use toilets,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- showers, and tubs.
- 5) The ends of chair rails and grab bars shall return to the wall.
- b) Ceiling Heights
- 1) All rooms occupied or used by residents shall have ceilings with a height of not less than eight feet.
 - 2) Corridors, storage rooms, toilet rooms and other minor rooms shall have ceilings with a height of not less than seven feet, eight inches.
 - 3) Suspended tracks, rails and pipes located in the path of traffic shall be no less than six feet, eight inches above the floor.
 - 4) The boiler room shall have ceiling clearances not less than two feet, six inches above the main boiler header and connecting piping.
- c) Doors and Windows
- 1) All required doors shall swing outward and be provided with door closers and panic hardware, where required.
 - 2) All exterior doors shall be equipped with a signal that will alert the staff if a resident leaves the building. Any exterior door that is supervised during certain periods may have a disconnect device for part-time use. All exterior doors shall be equipped with coded switches known only to the staff.
 - 3) Resident toilet rooms shall open directly into a corridor or into a resident bedroom.
 - 4) The doors for the toilet rooms used by residents shall have a minimum door width of six feet.
 - 5) No toilet or bathroom door shall be provided with hardware that could allow a resident to become locked in the room. All toilet or bathroom doors and hardware shall be designed to permit emergency egress to the room.
 - 6) Doors and windows shall fit snugly and be weather tight, yet open and close easily.
 - 7) Outside doors, other than required exits, and operable windows shall be equipped with tight-fitting 16-mesh screens. Screen doors shall be equipped with self-closing devices.
 - 8) All doors shall be wide enough to accommodate a wheelchair or other transporting vehicle.
- d) Floors
- 1) Floors shall be smooth, free from cracks and finished so that they can be easily and properly cleaned. Floors shall be covered wall to wall with water-resistant material in wet areas, including but not limited to bathrooms, kitchens, utility rooms.
 - 2) Thresholds and expansion joints shall be flush with the floor to facilitate use of wheelchairs and carts.
 - e) Mirrors shall be installed above all lavatories except hand-washing lavatories in food preparation areas, or in clean and sterile supply areas or at the nurses' hand-washing sink.
 - f) Paper towel dispensers and waste receptacles or electric hand dryers shall be provided at all lavatories.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- g) Rooms containing heat-producing equipment (such as boiler or heater rooms and laundry rooms) shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 10°F above the ambient room temperature.
- h) Recreation rooms and exercise rooms, and similar spaces where impact noises may be generated, shall not be located directly over resident bed areas unless special provisions are made to minimize such noise.
- i) Hazardous Areas and Fire Extinguishers
- 1) Interior finish flame spread ratings shall be in accordance with the National Fire Protection Association, Life Safety Code Standard 101, Standards for Flame Spread and Smoke Emission Ratings.
 - 2) At least one approved fire extinguisher shall be located in all basements, furnace rooms, kitchens, laundry rooms and beauty shops. In addition, extinguishers shall be located so that a person will not have to travel more than 50 feet from any point to reach one. They shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher.
 - 3) Containers with proper covers shall be provided for daily storage of rubbish.
 - 4) Housekeeping throughout the building, including basements, attics, and unoccupied rooms, shall be performed to minimize all fire hazards.
 - 5) The facility shall comply with any reasonable additional fire protection measures recommended by the Department or the Office of the State Fire Marshal if conditions in and around building, including its location, indicate that such additional protection is needed. Additional fire protection measures shall include, but are not limited to, the institution of a fire watch, installation of a sprinkler system, and installation of smoke detectors.
 - j) No other business not related to health care shall be conducted in the building, which would constitute a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and shall have a separate entrance.
- Section 225.8020 Structural Requirements
- a) General Design
- 1) The buildings and all parts thereof shall be of sufficient strength to support all dead, live, and lateral loads without exceeding the working stresses permitted for the materials of their construction in generally accepted good engineering practice.
 - 2) Special provision shall be made for loads that have a greater load than the specified minimum live load, including partitions that are subject to change of location.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- b) Construction shall be in accordance with the requirements of National Fire Protection Association Standard 101, Life Safety Code, and the minimum requirements contained herein.

1) Foundations shall rest on natural solid ground and shall be carried to a depth of not less than one foot below the estimated frost line or shall rest on leveled rock or load-bearing piles or caissons when solid ground is not encountered. Footings, piers, and foundation walls shall be protected against deterioration from the action of ground water. It is recommended that soil test borings be taken to establish proper soil-bearing values for the soil at the building site.

2) Assumed live loads shall be in accordance with the BOCA International Building Code.

- c) Provisions for Natural Disasters

1) Earthquakes: In regions where local experience shows that earthquakes have caused loss of life or extensive property damage, buildings and structures shall be designed to withstand the force assumptions specified in the BOCA International Building Code.

2) Tornadoes and Floods: Special provisions shall be made in the design of buildings, including structural design, in regions where local experience shows loss of life or damage to buildings resulting from hurricanes, tornadoes, or floods.

Section 225.8030 Mechanical Systems

- a) General Requirements

1) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of this Part.

2) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, parts list with numbers and descriptions for each piece of equipment, and a copy of the air-balance report. A complete set of these documents shall be kept on the premises.

3) The owner shall be provided with instructions in the operational use of the systems and equipment as required.

- b) Thermal and Acoustical Insulation

1) Insulation shall be provided for the following:

- A) Boilers, smoke breaching, and stacks;
- B) Steam supply and condensate return piping;
- C) Hot water piping above 180°F and all hot water heaters, generators, and converters;
- D) Hot water piping above 125°F that is exposed to contact by residents;
- E) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

dew point;

- F) Water supply and drainage piping on which condensate may occur;
 - G) Air ducts and casings with outside surface temperatures below ambient dew point; and
 - H) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- 2) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive system heat loss or excessive heat gain;
- 3) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory. Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building, do not penetrate a wall or roof, or do not create an exposure hazard;
- 4) Access for filter changing shall be provided within equipment rooms.
- c) Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.
- d) Thermal Hazards. Any surface exceeding a temperature of 140°F (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.
- e) Heating, Cooling, and Ventilating Systems
- 1) A design temperature of 75°F for both summer and winter design conditions shall be provided for all resident use areas including hallways.
 - 2) All ventilation supply, return and exhaust systems shall be mechanically operated.
 - 3) Outdoor air intakes shall be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas that may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems shall be located as high as practical but not less than six feet above ground level, or if installed above the roof, three feet above roof level.
 - 4) The ventilation systems shall be designed and balanced to provide the pressure relationships and ventilation rates as required by

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

National Fire Protection Association Standard 101.

- 5) A manometer shall be installed across each filter bed serving central air systems.
- 6) Air conditioning and ventilation systems shall be designed, installed and maintained as required by National Fire Protection Association Standard 101.
- 7) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall be in conformance with National Fire Protection Association Standard 101. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratories.
- 8) The ventilation of the medical gas storage room shall conform to the requirements of National Fire Protection Association Standard 101.
- 9) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures to 97°F. Effective temperature shall be as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers Handbook of Fundamentals.
- 10) Rooms containing heat-producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 10°F above the ambient temperature.

Section 225.8040 Plumbing Systems

- a) All plumbing systems shall be designed and installed in accordance with the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890) except that the number of resident required water closets, lavatories, bathtubs, showers, and other fixtures shall be as required by this Part and the facility program.

b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials.
- 2) The water supply spout for lavatories and sinks required for filling pitchers for nursing staff and food handlers' hand-washing shall be mounted so that its discharge point is a minimum distance of five inches above the rim of the fixture.
- 3) Hand-washing lavatories used by nursing staff and food handlers shall be trimmed with valves that can be operated without the use of hands. When blade handles are used for this purpose, the blade handles shall not exceed four and one half inches in length, except the handles on clinical sinks shall not be less than six inches in length.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.
- 5) The pot-washing sink shall be a three compartment sink with one compartment at least 14 inches deep.
- 6) Shower bases and tub bottoms shall be designed with nonslip surfaces.
- c) Water Supply Systems
 - 1) Water supply systems shall be designed to supply water at sufficient pressure and volume to operate all fixtures and equipment during maximum demand periods.
 - 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.
 - 3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.
 - 4) Hot water distribution systems shall be arranged to provide hot water of at least 100°F at each hot water outlet at all times.
 - 5) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110°F.
 - 6) Each hot water system serving resident areas shall include at least one of the following equipment requirements to ensure that the water temperature does not exceed 110°F:
 - A) A thermostatically controlled mixing valve, or
 - B) An aquastat that limits the water temperature in the water heater to a maximum temperature of 110°F and a solenoid operated shut-off valve activated by a sensing element in the water line, which shuts off the water and activates an alarm at the nurses' station when the water temperature exceeds 110°F.
- d) Water Heaters and Tanks
 - 1) Capacity and Temperature Requirements
 - A) The water heating equipment shall have sufficient capacity to supply water at the temperature and quantities in the following areas:

Resident Service	Dietary	Laundry
6 1/2	4	4 1/2
110	140*	180
gallons/hour/bed Temperature (degrees Fahrenheit)		
 - *180°F water required at dishwasher and pot and pan sink.
 - B) Water temperatures to be taken at the point of use or discharge of the hot water or inlet to processing equipment.
 - 2) Water storage tanks shall be fabricated of corrosion-resistant metal or lined with noncorrosive material.
 - e) Drainage Systems. Insofar as possible, drainage piping shall not be installed above the ceiling or installed in an exposed location in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

food preparation centers, food serving facilities, food storage areas, and other critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from necessary overhead piping systems.

f) Fire Extinguishing Systems

- 1) A complete automatic sprinkler system shall be installed throughout all facilities regardless of construction type.
- 2) All sprinkler and other fire extinguishing systems shall be designed and installed in accordance with National Fire Protection Association Standard 101.
- 3) All sprinkler systems shall be maintained in accordance with National Fire Protection Association Standard 101.

Section 225.8050 Electrical Systems

a) General Requirements

- 1) All material including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities required by this Part. All materials shall be listed as complying with the standards of Underwriters' Laboratories, Inc. or other similarly established standards.
- 2) All electrical installations and systems shall be tested to show that the equipment is installed and operates as planned or specified and be in accordance with these standards.
- 3) The installation shall meet all the requirements of the Life Safety Code.

b) Switchboards and Power Panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboards and panelboards shall be enclosed or guarded to provide a dead-front type of assembly. The main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space free of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in ambient temperature conditions.

c) Panelboards. Panelboards serving lighting and appliance circuits shall be located on the same floor as the circuits they serve. This requirement does not apply to emergency system circuits.

d) Lighting

- 1) All spaces occupied by people, machinery, and equipment within buildings, approaches to and exits from buildings, and parking lots shall have lighting.
- 2) Residents' rooms shall have general lighting. A reading light shall be provided for each resident. At least one light fixture shall be switched at the entrance to each resident room. All

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

switches for control of lighting in resident's sleeping areas shall operate quietly.

- 3) Any electrical outlet not in use in a resident's room shall have a plastic plug.

e) Receptacles (Convenience Outlets)

- 1) Each resident bed room shall have duplex grounding type receptacles as follows: One located each side of the head of each bed; one for television if used; and one on another wall. Receptacles are to be located between 12 to 30 inches above the finished floor.
 - 2) Resident bathrooms shall have at least one duplex receptacle.
 - 3) Duplex receptacles shall be installed approximately 50 feet apart in all corridors and within 25 feet of ends of corridors.
- f) Door Alarm System. Each exterior door shall be equipped with a signal that will alert staff if a resident leaves the building. Any exterior door that is supervised during certain periods may have a disconnect device for part-time use.
- g) Nurses' Calling System

- 1) Each resident room shall be served by at least one calling station, and each bed shall be provided with a call station. One call station may serve two adjacent beds. Calls shall register at the nurses' station and shall activate a visible signal in the corridor at the resident's door and in the nurse's station. In multicorridor nursing units, additional visible signals shall be installed at corridor intersections. In rooms containing two or more calling stations, identifying lights shall be provided at the nurse's station.

- 2) A nurses' call station shall be provided for residents' use at each resident's toilet, bath, and shower location. The cord shall be long enough to reach within six inches of the floor.

h) Fire Alarm System

- 1) A manually and automatically operated fire alarm system shall be installed.

- 2) Automatic smoke detectors shall be installed in all resident sleeping rooms and at 30 feet on center in all corridors other than sleeping area corridors.

i) Emergency Electrical System

- 1) To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power. The emergency system shall consist of the life safety branch and the critical branch.
- 2) The source of this emergency electrical service shall be an emergency generating set or an approved dual source of normal power.
- 3) Life Safety Branch, Automatic Transfer Ten Seconds.
 - A) Illumination of means of egress as necessary for corridors, passageways, stairways, landings and exit doors, and all

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

ways of approach to and through exits.

- B) Exit signs and exit directional signs.
- C) Sufficient lighting in dining room and recreation areas to provide illumination to exit ways.
- D) Fire alarms activated at manual stations, by electric water flow alarm devices in connection with sprinkler systems, and by all automatic detection systems.
- E) Communication systems, where these are used for issuing instructions during emergency conditions.
- F) Task illumination, and selected receptacles at the generator set location.

4) Critical Branch, Automatic Transfer Ten Seconds

- A) Task illumination and selected receptacles in the nurse's station including the medication preparation area.
- B) Sump pumps and other equipment required to operate for the safety of major apparatus including associated control systems and alarms.
- C) Nurses' call system.

5) Critical Branch, Automatic or Manual Systems Heating equipment to provide heating for patient rooms. Exception: Where the facility is served by two or more electrical services supplied from separate generators or a utility distribution network having multiple power input sources and arranged to provide mechanical and electrical separation so that a fault between the facility and the generating sources is not likely to cause an interruption of more than one of the facility service feeders.

6) Details

- A) The life safety and critical branch shall be in operation within ten seconds after the interruption of normal electric power supply.
- B) Receptacles connected to emergency power shall be distinctively marked.
- C) The emergency generator shall not be solely dependent upon a public utility gas system for the fuel supply. Means shall be provided for automatically transferring from one fuel supply to another where dual fuel supplies are used.
- D) Where fuel storage facilities are provided on the site, the fuel tank shall have minimum capacity for 24 hour operation of the generator.

SUBPART J: QUALITY ASSESSMENT AND IMPROVEMENT

Section 225.9000 Quality Assessment and Improvement

- a) The licensee shall develop and implement a quality assessment and improvement program designed to meet at least the following goals:
 - 1) Ongoing monitoring and evaluation of the quality of services provided by the program, including but not limited to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULE

- A) Accomplishment of outcome goals;
- B) Accomplishment of program goals;
- C) Resident satisfaction; and
- D) Quality of life.

2) Routine review of quality indicators to ensure identification of problem areas.

3) Identification and implementation of corrective action to address problem areas.

b) The licensee shall have a written quality assessment plan, which shall include but is not limited to:

- 1) A statement of its mission and philosophy;
- 2) A statement of its goals;
- 3) Measurable objectives; and
- 4) Identification of the persons responsible for administering the program.

c) The Department shall have access to any materials or documents generated pursuant to the facility's quality assessment and improvement or that pertain to utilization and satisfaction, and financial viability of the facility. Such information shall be used by the Department to evaluate and assess the facility in relation to the requirements of the Act and shall be confidential.

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULE

NOTICE OF PROPOSED AMENDMENTS

Section 225. TABLE A Heat Index Table/Apparent Temperature

1) Heading of the Part: Transporting Pupils Where Walking Constitutes a Serious Safety Hazard

2) Code Citation: 92 Ill. Adm. Code 556

		Proposed Action:															
		Section Numbers:															
556.100		Repeal															
556.101		Repeal															
556.102		Renumber and Amend															
556.115		New Section															
556.103		Renumber and Amend															
556.104		Renumber and Amend															
556.105		Renumber and Amend															
556.106		Renumber and Amend															
556.107		Renumber and Amend															
556.108		Renumber and Amend															

4) Statutory Authority: Implementing and authorized by Section 29-3 of the School Code [105 ILCS 5/29-3].

5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to amend Part 556, in response to the Illinois State Board of Education's request, in the following ways:

The Department will repeal Sections 556.100 and 556.101. These Sections are old and unnecessary.

Section 556.102 is being renumbered and the language is being clarified.

Section 556.115 is new. The Department decided to consolidate the definitions found elsewhere in the rulemaking into one complete Section.

Section 556.103 is being renumbered and clarified. Table 1 is being revised to bring it into conformance with Part 557.

Section 556.104 is being renumbered and revised to make it consistent with Table 1 in Section 556.103. The example is being revised to reflect changes in Table 6.

Section 556.105 is being renumbered and revised to make it consistent with Table 1 in Section 556.103. The example is being revised to reflect the changes in Table 11.

Section 556.106 is being renumbered and revised to make it consistent with Table 1 in Section 556.103. The example is being revised to reflect the changes in Table 15.

Section 556.107 is being renumbered and revised to reflect the changes in

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Section 556.103, Table 1. The example is being revised to reflect the changes in Table 11.

Section 556.108 is being renumbered and revised to reflect statutory changes to 105 ILCS 5/29-3 as amended by P. A. 90-223, effective January 1, 1998.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not impact local municipalities, but will have an undetermined effect on school districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. Joe Hill, Chief, Engineer of Operations
Illinois Department of Transportation
Division of Highways
2300 South Dirksen Parkway
Room 009
Springfield, Illinois 62764
(217) 782-7231

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway
Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within forty-five days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Re-Ordering, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER 1: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER f: HIGHWAYS

PART 556

TRANSPORTING PUPILS WHERE WALKING CONSTITUTE A

SERIOUS SAFETY HAZARD

- Section
- 556.100 Authority (Repealed)
- 556.101 References to Rules (Repealed)
- 556.110 Purpose and Scope
- 556.115 Definitions
- 556.120 Walking Along a Roadway (Type I hazard)
- 556.130 Walking on a Roadway (Type II hazard)
- 556.140 Crossing a Roadway (Type III hazard)
- 556.150 Crossing Railroad Tracks (Type IV hazard)
- 556.160 Multiple Hazards
- 556.170 Procedures

AUTHORITY: Implementing and authorized by Section 29-3 of the School Code [105 ILCS 5/29-3].

SOURCE: Adopted at 4 Ill. Reg. 27, p. 426, effective June 19, 1980; amended at 5 Ill. Reg. 5915, effective May 27, 1981; codified at 7 Ill. Reg. 12894; amended at 20 Ill. Reg. 12626, effective September 6, 1996; amended at 25 Ill. Reg. _____, effective _____.

Section 556.100 Authority (Repealed)

~~This Part is adopted pursuant to the Illinois Revised Statutes, Chapter 127 paragraph 29-3.~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____.)

Section 556.101 References to Rules (Repealed)

~~This Part shall be referred to as the "Safety-Busing Rules." Each section and any paragraph or subparagraph thereof shall be referred to as a "part." The number of each rule shall include only the numbers and letters at the right of the decimal point. For example: Section 556.103 "Walking Along a Roadway (Type I hazard)" shall be referred to as Section 103, paragraph (a) of that Part shall be referred to as "Section 103(a)."~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____.)

Section 556.110 Purpose and Scope

This Part establishes guidelines and procedures for determining the existence of a serious safety hazard and applies to serious safety hazards encountered by pupils walking on or along roadways, crossing roadways and crossing railroad tracks. ~~Public Act 81-762, which amended Sections 29-3 and 29-5 of the School Code, provides~~ This determination allows for the State Board of Education to provide busing reimbursement to school districts that which choose to transport pupils residing within 1-1/2 miles from the school attended where conditions are such that walking, either to or from the school to which a pupil is assigned for attendance or to or from a pick-up point or bus stop, constitutes a serious hazard to the safety of the pupils, and access to adequate transportation for the public adequate transportation for the public is not available [Section 29-3 of the School Code [105 ILCS 5/29-3]]. ~~This Part applies to serious safety hazards encountered by school children walking on or along roadways, crossing roadways and crossing railroad tracks.~~

(Source: Renumbered and amended at 25 Ill. Reg. _____, effective _____.)

Section 556.115 Definitions

The following words or phrases when used in this Part shall have the meanings ascribed to them below.

"Controls providing pedestrian protection" - Either of the following:

All way stop - all approaches to the intersection are required by signs to stop; or

Adult crossing guards - any intersection where traffic is stopped by an adult crossing guard, regardless of other traffic controls.

"Crossing protection"

Crossbucks only - An "X" shaped sign mounted upon a post at a rail-highway crossing inscribed with the words "Railroad" on one panel and "Crossing" on the other.

Active protection - Any protection that is designed to be actuated by the approach of an oncoming train (including lights, bells and gates) or protection by a crossing guard.

"Curb" - A vertical or sloping barrier along a roadway at least 4 inches high, clearly defining the edge to motorists.

"Department" - The Illinois Department of Transportation, acting through its District Engineers.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

"Length of hazardous section" - The length (rounded to the nearest tenth of a mile) of the hazardous condition to which pupils walking along a roadway are exposed. For Type I hazards (see Section 556.120), it is limited to those sections where pupils walk on a shoulder within 10 feet of the roadway or behind a curb or ditch within 8 feet of the roadway. For Type II hazards (see Section 556.130), it is limited to those sections where pupils must walk on the roadway because no shoulder or walkway exists off the pavement, or because of a narrow bridge or underpass. All of the pupils covered by the submittal must walk the complete length of the hazardous section. The length may be scaled from a map or measured by a "walking wheel", or a car odometer.

"Narrow bridge or underpass" - A narrow bridge or underpass that forces pupils walking to school, because of the narrowness of the structure and its lack of a sidewalk, to walk on the roadway for a minimum of 50 feet.

"No stop control" - When no stop signs or traffic signals exist on the roadway the pupils are crossing requiring vehicles to stop. Yield signs are not stop controls.

"Number of tracks" - The total number of tracks that carry trains during periods when pupils are normally going to and from school. Example: If 2 tracks carry trains during the morning period and one of those tracks carries trains during the afternoon period, the number of tracks is 2.

"Number of trains" - The daily number of trains passing through the crossing during the periods when pupils are normally going to and from school. This number may be obtained from railroad companies or by counting trains. Example: If 2 trains cross in the morning period and 1 crosses in the afternoon period, the number of trains is 3.

"Roadway" - The portion of a road, street or highway on which vehicles travel, consisting of the pavement surface, exclusive of the shoulders.

"School Code" - The School Code [105 ILCS 5/29-5.2].

"Shoulder" - The relatively flat area between the outer edge of a roadway with no curb and the point where the earth begins sloping either upward or downward, intended for the accommodation of stopped vehicles or for emergency use.

"Speed of traffic" - The speed of traffic shall be based on the posted speed limit. In special school speed zones as authorized by Section 11-605 of the Vehicle Code [625 ILCS 5/11-605], the speed limit that

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

is in force when the special school speed zone is not in effect shall be used. If speed limit signs are not present, the speed of traffic shall be considered to be 30 miles per hour in an urban area and 55 miles per hour in a rural area.

"Train" - One locomotive by itself, 2 or more locomotives coupled together, or one or more locomotives with train cars.

"Train speed" - The highest lawful speed at the crossing. This may be obtained from either the railroad company or the Illinois Commerce Commission, or local law enforcement officials may use radar.

"Volume of traffic" - The peak hourly volume of traffic during the periods when pupils are going to or from school. In many cases, Average Daily Traffic (ADT) volumes may be available from the agency maintaining a road (the State or county highway department or municipal street department). In those cases the hourly volumes may be considered as 15 percent of the ADT in rural areas and 10 percent in urban areas. If no ADT figures are available, or if the school district prefers, it may make a one hour count of vehicles in both directions on a typical school day (e.g., 7:30 a.m.-8:30 a.m., 2:30 p.m.-3:30 p.m., or, for kindergarten pupils, during the noon hour period).

"Walkway" - The area on which pupils normally walk along a street or highway, including a concrete sidewalk, a surfaced or unsurfaced pathway, or a roadway shoulder. The walkway, when immediately adjacent to the roadway, must be at least 2 feet in width and maintained in suitable walking condition throughout the school year; otherwise, the pupils should be considered walking on the roadway. a Type II hazard. Walkway also includes pathways created by school districts or other groups on public land that may be used by pupils to avoid a more hazardous route.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 556.120¹⁰³ Walking Along a Roadway (Type I hazard)

a) Definitions

"Curb" - A vertical or sloping barrier along a roadway at least 4 inches high, clearly defining the edge to motorists.

"Length of hazardous section" - The length (rounded to the nearest tenth of a mile) of the hazardous condition to which children walking along a roadway are exposed. It is limited to those sections where children walk on a shoulder within 10 feet

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

of-the-roadway or behind-a-curb-or-ditch-within-0--feet-of--the-roadway---All-of-the-children-covered-by-the-submittal-must-walk-the-complete-length-of-the-hazardous-section--The-length-may-be scaled-from-a-map-or-measured-by-a--"walking-wheel"-a-car odometer,or-other-normally-accepted-method;

Roadway---The-portion-of-a-road-or-a-street-on-which-vehicles travel,--consisting--of--the--pavement--surface,--exclusive-of-the shoulders;

"Shoulder"---The-relatively-flat-area-between-the-outer--edge-of-an--uncurbed-roadway-and-the-point-where-the-earth-begins-sloping either-upward-or-downward--intended--for--the--accommodation--of stopped-vehicles-or-for-emergency-use;

"Speed--of--traffic"---The-posted-speed,where-signs-are-present,except-that-special-school-speed-zones-of-20-miles-per-hour-shall not-be-considered--if-no-regular-speed-limit-signs-are-present, the--speed-of-traffic-shall-be-considered-to-be-30-miles-per-hour in-urban-areas-and-55-miles-per-hour-in-rural-areas;

"Volume-of-traffic"---The-peak-hourly-volume-of--traffic--during the--periods--when-children-are-going-to-or-from-school---in-many cases,--annual--Average--Daily--Traffic--(ADT)--volumes--may---be available-from-the-agency-maintaining-a-road-(the-State-or-county highway--department--or--municipal--street--department);--in-those cases-the-hourly-volumes-may-be-considered-as-45-percent--of--the ADT--in-rural-areas--and-10-percent-in-urban-areas---if-no-ADT figures-are-available,or-if-the-school-district-prefers,it-may make-a-one-hour-count--of-vehicles-in-both-directions-on-a typical-school-day-(e.g.7-7:30--a.m.;8:30--a.m.;7--2:30--p.m.;3:30 p.m.;--or)--for--kindergarten-children--during--the--noon--hour period);

"Walkway"---The--area-on-which-schoolchildren-normally-walk-along a-street-or-highway--including-a-concrete-sidewalk,a-surfaced-or unsurfaced-pathway,or-a-roadway--shoulder---The--walkway,--when immediately-adjacent--to-the-roadway,must-be-at-least-2-feet-in width-and-maintained-in-suitable-walking-condition-throughout-the school-year,otherwise-the-children-should-be-considered--walking on--the-roadway--a-type-II-hazard--Walkways-shall-also-include pathways-created-by-school-districts-or-other-groups-on-public land--which-may-be-used--by-children-to-avoid-a-more-hazardous route;

a) A serious Type I safety hazard exists if the total of the points from the tables and any judgment points equals or exceeds 12 and the situation qualifies for points from at least Tables 1, 2 and 5. The situation is not disqualified if no points are obtained from Tables 3

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

and 4. School districts should add judgment points if found proper even though the points from the tables alone equal or exceed 12.

b) Determination of serious safety hazard.

1) Factors to be considered. The following factors are relevant in determining whether children walking along a roadway are endangered by a serious safety hazard: grade of pupil, location of walkway in relation to roadway, speed of traffic, volume of traffic and length of hazardous sections. To determine whether a serious safety hazard exists in a particular situation a school board shall assign points as appropriate for these factors, using the following tables (fractional points may be assigned only in accordance with the tables):

A) Grade of Pupil - Table 1

GRADE	POINTS
K-8	5
9-12	2 1/2

B) Location of Walkway - Table 2

LOCATION	DIST. BETWEEN EDGES OF ROADWAY AND WALK*	POINTS
Walkway on Shoulder (no curb present)	Less than 5 Ft. 5 Ft. - 10 Ft.	3 1
Walkway Behind Curb or Ditch	Less than 4 Ft. 4 Ft. - 8 Ft.	2 0.5

* Pupils Children walking immediately adjacent to the roadway on a walkway less than 2 feet in width are considered to be walking on the roadway.

C) Speed of Traffic - Table 3

SPEED (MPH)	POINTS
50-55	4
40-45	2
30-35	0.5

D) Volume of Traffic - Table 4

HOURLY VOLUME	POINTS
2-Lane	2-Lane
4-Lane	4-Lane

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

Greater than 1500	5	4
1200-1500 499	4	3
800-1199	3	2
400-799	2	1
100-399	1	0.5

E) Length of Hazardous Section - Table 5

DISTANCE (MILES)	POINTS
Greater than 1.0	2
0.8 - 1.0	1.5
0.5 - 0.7	1
0.2 - 0.4	0.5

2) Judgment points. A school district may add one or two points for judgment factors peculiar to the hazards due to vehicular traffic in a specific situation. These Such additions must be accompanied by adequate information to justify the special circumstances being considered.

3) Qualification:---A---serious---Type---I---safety-hazard-exists-if-the total-of-the-points-from-the-tables-and-any-judgment-points equals-or-exceeds-12-and-the-situation-qualifies-for-points-from at-least-tables-1,2-and-5---The-situation-is-not-disqualified-if no-points-are-obtained-from-tables-3--and--4---School--districts should-add-judgment-points-if-found-proper-even-though-the-points from-the-tables-alone-equal-or-exceed-12.

34) Examples:

A) Pupils Children going to an elementary school with pupils through 5th grade, on a walkway 4' from the roadway on a shoulder, along a 2-lane road posted 50 m.p.h., with an hourly average volume of 500 vehicles, for a distance of 1/2 mile, would have the following points:

$$5(\text{Table } 1) + 3(\text{Table } 2) + 4(\text{Table } 3) + 2(\text{Table } 4) + 1(\text{Table } 5) = 15$$

Since the point total (15) exceeds 12, the situation qualifies for pupils children through 5th grade.

B) Pupils Children going to an elementary school with pupils through 6th grade, on a walkway 3' from a 4-lane roadway that which has curbs and is posted at 25 m.p.h., with an hourly average volume of 1300 vehicles, for a distance of 1 1/4 mile, would have the following points:

$$5(\text{Table } 1) + 2(\text{Table } 2) + 0(\text{Table } 3) + 3(\text{Table } 4) + 2(\text{Table } 5) = 12$$

Since the point total equals 12, the situation qualifies for pupils children through 6th grade. Points from tables 1, 2 and 5 (but not 3 and 4) are required to qualify for this type (Type I) of

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

hazardous situation.

(Source: Renumbered and amended at 25 Ill. Reg. _____, effective _____)

Section 556.130104 Walking on a Roadway (Type II hazard)

a) Definitions

"Length-of-hazardous-section"---The-distance-trounded-to-nearest tenth--of-a-mile--which-children-must-walk-on-the-roadway-because no-shoulder-or-walkway-exists-off-the-pavement-or--because--of--a narrow--bridge--or-underpass---All-of-the-children-covered-by-the submittal-must-walk-the-complete-length-of-the-hazardous-section.

"Narrow-bridge-or-underpass"---A--narrow--bridge--or--underpass which--forces-pupils-walking-to-school--because-of-the-narrowness of-the-structure-and-its-lack-of--a--sidewalk--to--walk-on--the roadway-for-a-minimum-of-50-feet.

"Roadway"---See-definition-in-Section-556-103.

"Speed-of-traffic"---See-definition-in-Section-556-103.

"Volume-of-traffic"---See-definition-in-Section-556-103.

"Walkway"---See-definition-in-Section-556-103.

a) Qualification. A serious Type II safety hazard exists if the total of the points from the tables and any judgment points equals or exceeds 12 and the situation qualifies for points from at least Tables 6, 7 and 10. The situation is not disqualified if no points are obtained from Tables 8 and 9. School districts should add judgment points if found proper even though the points from the tables alone equal or exceed 12.

b) Determination of serious safety hazard.

1) Factors to be considered. The following factors are relevant in determining whether pupils children who must walk on a roadway are endangered by a serious safety hazard: grade of pupil, reason for walking on the roadway, speed of traffic, volume of traffic, and length of hazardous section. To determine whether a serious safety hazard exists in a particular situation, a school board shall assign points as appropriate for these factors, using the following tables (fractional points may be assigned only in accordance with the tables):

A) Grade of Pupil - Table 6

GRADE POINTS

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

K-86 5
7-8 2
9-12 20+5

B) Reason for Walking on Roadway - Table 7

LOCATION	POINTS
On roadway* for a minimum of 350 feet because no shoulder or walkway exists off the pavement.	3
On roadway* for a minimum of 50 feet because of a narrow bridge or underpass.	4

*Pupils Children walking immediately adjacent to the roadway on a walkway less than 2 feet in width are considered to be walking on the roadway.

C) Speed of Traffic - Table 8

SPEED (MPH)	POINTS
50-55	4
40-45	2
30-35	0.5

D) Volume of Traffic - Table 9

HOURLY VOLUME	POINTS
Greater than 1500	2-Lane 5 4-Lane 4
1200-1500+499	4 3
800-1199	3 2
400-799	2 1
100-399	1 0.5

E) Length of Hazardous Section - Table 10

DISTANCE (MILES)	POINTS
Greater than 1.0	5
0.8 - 1.0	4
0.5 - 0.7	3
0.2 - 0.4	2
Less than 0.2	1

2) Judgment points. A school district may add one or two points for

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

judgment factors peculiar to the hazards due to vehicular traffic in a specific situation. Such additions must be accompanied by adequate information to justify the special circumstances being considered.

3) Qualification---A---serious-type---if safety-hazard-exists-if-the total-of-the-points-from-the-tables---and---any---judgment-points equals---or-exceeds---12---and---the-situation-qualifies-for-points-from at-least-Tables-6,7-and-10---The-situation-is---not---disqualified if---no-points-are-obtained-from-Tables-8-and-9---School-districts should-add-judgment-points-if-found-proper-even-though-the-points from-the-tables-alone-equal-or-exceed-12.

34) Examples:

A) Pupils Children going to a school with pupils through 12th 8th grade, walking on a roadway for 100 feet because of a narrow bridge on a two-lane road posted 50 miles per hour, with an hourly average volume of 500 vehicles, would have the following points:

2(Table 6) + 4(Table 7) + 4(Table 8) + 2(Table 9) + 1(Table 10) = 13

Since the point total (13) exceeds 12, all pupils children through 12th 8th grade would qualify. (Note that pupils children through 8th 6th grade would be eligible for additional points from Table 6, but since pupils children through 12th 8th grade qualify, only one submittal is required.)

B) Pupils Children going to a school with pupils through 6th grade, walking 250 feet on a 2-lane roadway posted for 50 miles per hour with no shoulder or walkway, with an hourly volume of 500 vehicles would have the following points:

5(Table 6) + 0(Table 7) + 4(Table 8) + 2(Table 9) + 1(Table 10) = 12

Although the point total is 12, the situation would not qualify because points from Tables 6, 7 and 10 are required to qualify for this type (Type II) of hazardous situation. The situation did not qualify for points from Table 7 because it existed only for a length of 250 feet.

(Source: Renumbered and amended at 25 Ill. Reg. _____, effective _____)

Section 556.140105 Crossing a Roadway (Type III hazard)

a) Definitions

"Controlis-providing-pedestrian-protection"-----Either-of-the-following:
All-way-stop---all-approaches-to-the-intersection-are-required-by
signs-to-stop-or

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

Adult-crossing-guards-----any-intersection-where-traffic-is-stopped
by-an-adult-crossing-guard,-regardless-of-other-traffic-controls;
"No-stop-control"-----No-stop-signs-or-traffic-signals-that-would
require-vehicles-on-the-roadway-which-the-children-are-crossing-to
stop---yield-signs-are-not-stop-controls;

"Roadway"-----See-definition-in-Section-556-103-

"Speed-of-traffic"-----See-definition-in-Section-556-103-

"Traffic-signals"-----Traffic-lights-that-alternately-stop-traffic-on
one-approach-and-then-another;

"Two-way-stop-control"-----Traffic-on-the-roadway-being-crossed--by--the
schoolchildren-is-required-to-stop-by-a-stop-sign;

"Volume-of-traffic"-----See-definition-in-Section-556-103-

a) Qualification. A serious Type III safety hazard exists if the total
of the points from the tables and any judgment points equals or
exceeds 12 and the situation qualifies for points from at least Tables
11, 12 and 14. The situation is not disqualified if no points are
obtained from Table 13. School districts should add judgment points
if found proper even though the points from the tables alone equal or
exceed 12.

b) Determination of serious safety hazard.

1) Factors to be considered. The following factors are relevant in
determining whether pupils children crossing a roadway are
endangered by a serious safety hazard: grade of pupil, type of
intersection control, speed and volume of traffic, and width of
roadway. To determine whether a serious safety hazard exists in
a particular situation, a school board shall assign points as
appropriate for these factors, using the following tables
(fractional points may be assigned only in accordance with the
tables):

A) Grade of Pupil - Table 11

GRADE	POINTS
K-86	5
7-8	2
9-12	20-5

B) Type of Intersection Control - Table 12

CONTROLS ON ROADWAY BEING CROSSED	POINTS
--------------------------------------	--------

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

No stop control 3
Traffic signals 2
Two-way stop control 1
Control providing pedestrian
protection. (All way stop, or
adult crossing guards). 0.5

Where pupils schoolchildren must cross more than one roadway
at an intersection, the control with greatest point value
should be considered.

C) Speed and Volume of Traffic - Table 13

SPEED (MPH)	HOURLY VOLUMES	POINTS
45 - 55	Greater than 1500	5
	1000 - 1500	4
	500 - 999	3
	250 - 499	2
	100 - 249	1
30 - 40	Greater than 1500	4
	1000 - 1500	3
	500 - 999	2
	250 - 499	1
	Greater than 1500	3
Less than 30	1000 - 1500	2
	500 - 999	1

D) Width of Roadway - Table 14

WIDTH (FT)	POINTS
40 or Greater	2
25 - 39	1
24 or Less	0.5

2) Judgment points. A school district may add one or two points for
judgment factors peculiar to the hazards due to vehicular traffic
in a specific situation. Such additions must be accompanied by
adequate information to justify the special circumstances being
considered.

3) Qualification---A serious Type III safety hazard exists--if--the
total--of--the--points--from--the--tables--and--any--judgment--points
equals--or--exceeds--12--and--the--situation--qualifies--for--points--from
at--least--tables--11--12--and--14---The--situation--is--not--disqualified
if--no--points--are--obtained--from--Table--13---School--districts--should
add--judgment--points--if--found--proper--even--though--the--points--from
the--tables--alone--equal--or--exceed--12-

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

34) Examples:

Pupils children going to a junior high school with pupils from 6th through 9th 8th grades, crossing a highway at an intersection where the highway traffic is not required to stop, that is posted 45 m.p.h., has an hourly volume of 600, and is 48' wide, would have the following points:

2(Table 11) + 3(Table 12) + 3(Table 13) + 2(Table 14) = 10
Since the point total is less than 12, all pupils children through 9th 8th grade would not qualify. However, pupils children through 8th grade 6th would qualify and if special considerations could justify two judgment points, pupils children up through 9th 8th grade would qualify.

(Source: Renumbered and amended at 25 Ill. Reg. _____, effective _____)

Section 556.150196 Crossing Railroad Tracks (Type IV hazard)

a) Definitions

"Crossing-protection"

Grossbucks--only,---An--"X"--shaped-sign-mounted-upon-a-post-at-a rail-highway-crossing-inscribed-with-the-words-"Railroad"-on-one panel-and-"Crossing"-on-the-other.
Active--protection:---Any--protection--that--is--designed--to--be actuated--by-the-approach-of-an-oncoming-train--(including-lights, bells-and-gates)-or-protection-by-a-crossing-guard.

"Number-of-tracks"-----Total-number-of-tracks-which-during-periods-when schoolchildren-are-normally-going-to-and-from--school;---carry--trains-Example:--If--2--tracks-carry-trains-during-the-morning-period-and-one of-those-tracks-carries-trains-during-the-afternoon-period,-the-number of-tracks-is-2-

"Number-of-trains"-----Daily-number-of--trains--passing--through--the crossing--during-the-periods-when-schoolchildren-are-normally-going-to and-from-school;---This-number-may-be-obtained-from-railroad-companies or--by--counting--trains;---Example:---If-2-trains-cross-in-the-morning period-and-1-crosses-in-the-afternoon-period,-the-number-of-trains-is-3-

"Train"-----One-locomotive--by-itself-2-or-more-locomotives-coupled together-or-one-or-more-locomotives-with-train-cars.

"Train-Speed"-----The-highest-lawful-speed-at-the-crossing;---This-may-be obtained-from-either-the-railroad-company-or--the--Illinois--Commerce Commission;--or-local-law-enforcement-officials-may-use-radar.

a) Qualification. A serious Type IV safety hazard exists if a situation

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

qualifies for points from all of tables 15 through 17 and the total of the points from the tables and any judgment points equals or exceeds 12. School districts should add judgment points if found proper even though the points from the tables alone equal or exceed 12.
Determination of serious safety hazard.

- b) Factors to be considered. The following factors are relevant in determining whether pupils children crossing railroad tracks are endangered by a serious safety hazard: grade of pupil, crossing protection and number of tracks, and speed and number of trains. To determine whether a serious safety hazard exists in a particular situation, a school board shall assign points as appropriate for these factors, using the following tables (fractional points may be assigned only in accordance with the tables):

A) Grade of Pupil - Table 15

GRADE	POINTS
K-66	5
7-8	2
9-12	20+5

B) Crossing Protection and Number of Tracks - Table 16

NUMBER OF TRACKS	POINTS	
	Active Protection	Crossbucks Only
(In use during school crossing hours)		
3 or more	3	5
2	2	4
1	1	2

C) Speed and Number of Trains - Table 17

DAILY NUMBER OF TRAINS	POINTS			
	(During School crossing periods)	TRAIN SPEED (MPH)		
		Less than 40	40 or Greater	
4 or more	4	5		
3	3	4		
2	2	3		
1	1	2		

- 2) Judgment points. A school district may add one or two points for judgment factors peculiar to the hazards due to vehicular traffic

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

in a specific situation. Such additions must be accompanied by adequate information to justify the special circumstances being considered.

3) ~~Qualification---A---serious---Type---IV---safety---hazard---exists---if---a situation---qualifies---for---points---from---all---of---Table---15---through---17 and---the---total---of---the---points---from---the---tables---and---any---judgment points---equals---or---exceeds---12---School---districts---should---add judgment---points---if---found---proper---even---though---the---points---from---the tables---alone---equal---or---exceed---12.~~

24) Examples:
Pupils children going to an elementary school with pupils through 9th 8th grade, crossing a 2-track crossing with flashing lights, that has 3 trains cross daily during the periods pupils children are going to and from school, at speeds up to 49 m.p.h., and where there are also switching operations that would justify 2 judgment points, would have the following points:
 $2(\text{Table } 15) + 4(\text{Table } 16) + 4(\text{Table } 17) + 2(\text{judg.}) = 10$
Since the point total is less than 12, the pupils children in 9th 7th-through-8th grade would not qualify but those in K through 8th 6th grade would. An application for pupils children only through 8th 6th grade should be submitted.

(Source: Renumbered and amended at 25 Ill. Reg. _____, effective _____)

Section 556.160107 Multiple Hazards

a) Pupils walking to school may encounter multiple hazardous situations. A serious safety hazard exists if the total of the points from the tables and any judgment points for any two situations encountered by the same pupils ~~school~~children equals or exceeds 20 points. Multiple hazards consist of the two worst hazard situations.

b) Examples:

- 1) Pupils Students through 12th 8th grade walking on a shoulder 4' wide where there is no curb, along a 2-lane road posted at 40 m.p.h. with an hourly volume of 1100 vehicles, for a distance of 0.5 mile, would have the following points for this Type I hazard (See Tables in Section 556.103(b)(1)):
 $2(\text{Table } 1) + 3(\text{Table } 2) + 2(\text{Table } 3) + 3(\text{Table } 4) + 1(\text{Table } 5) = 11$

This situation alone would not qualify.

- 2) The same pupils students also cross the same 2-lane road which is 30' wide at the crossing where there is no intersection control for the roadway being crossed. The points for this Type III hazard are as follows (See Tables in Section 556.105(b)(1)):
 $2(\text{Table } 11) + 3(\text{Table } 12) + 3(\text{Table } 13) + 1(\text{Table } 14) = 9$
This situation alone would not qualify. However, the same pupils students encounter both situations and since the point total for

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

both situations equals 20, there exists a serious safety hazard for pupils children through 12th 8th grade.

(Source: Renumbered and amended at 25 Ill. Reg. _____, effective _____)

Section 556.170108 Procedures

a) Determination by local school board.

The determination by a local school board that a serious safety hazard exists or does not exist shall be made in accordance with this Part, and on a form promulgated by the Illinois Department of Transportation. A separate form is required for each qualifying location and not for each pupil qualifying child. A school board's determination shall be supported by findings on those factors that which were found to contribute to the hazard. Findings shall be indicated by completion of appropriate portions of the submittal form. Example: Speed of traffic (45 m.p.h.). Volume of traffic (900 vehicles/hour). Length of hazardous section (1.2 miles). Each submittal shall be certified true and correct by an authorized representative of the school board making the submission. Long-term construction projects or other temporary conditions may have an effect on the safety of a route used by pupils children walking to and from school. This could include increases in the hourly volumes of traffic, a change in the length of a hazardous section or a relocation of a walkway. Consideration of these factors may result in a serious safety hazard finding for a route that which would not otherwise qualify for such a finding. Where this is the case, a temporary safety hazard determination may be made on a school year by school year basis. The decision to conduct a serious safety hazard study in accordance with this Part may be made independently by the school board. However, such a study is required to be made by the school board when requested in writing to do so by a parent or guardian of a pupil who must walk along the route in question.

b) Submission of determination. 1) A school board shall submit the determination form and a map showing the location of the hazard and the route walked by the pupils children to the Department for review. The submittal may include other materials, such as photographs, which the school board believes will aid in the Department's review. All parts of the submittal shall be in documentary form. A school board shall make its submission to the Department's District Office for the transportation district in which the school district is situated. A school board need not submit forms to the Department that do not support a finding of a serious safety hazard unless requested in writing to do so by a custodian of a pupil who must walk along the route in question.

2) A submission is effective upon receipt by the Department's District Office.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

c) Department review.

- 1) Within 30 days after of submission, the Department will shall approve or disapprove the school board's determination. If a submittal is incomplete, the Department will shall disapprove without prejudice and inform the school district why it is considered incomplete. If a submittal is complete, it will be reviewed by the District Office. Each form will be considered as a separate submission and an incomplete submittal will not delay approval of others submitted at the same time.
- 2) The Department's review will shall consist of those procedures appropriate to determine the correctness of the findings. The procedures may include the following: visiting the route in question, taking-a-view-of-the-location, consulting traffic count records, APF-maps or counting vehicles, measuring length and width of roadways, observing train movements and obtaining train speeds from railroads, regulatory authorities or law enforcement officials. The persons conducting the review will shall document the procedures employed and information obtained.
- 3) If a determination is disapproved, the Department will shall, in writing, inform the school board why and upon what information the Department's decision was based. A determination will not be disapproved because on-the-ground-that judgment points were not justified unless the school board gives no reason for the judgment points or unless the reason given is completely implausible or obviously not related to vehicular traffic.
- 4) A disapproved determination may not be resubmitted for Department review during the same school year in which it was originally submitted, unless conditions have changed. However, a determination that which is disapproved because of incompleteness may be resubmitted at any time.

d) Verification upon request from State Superintendent.

The School Code provides that school districts shall annually review the conditions and certify to the State Superintendent of Education whether or not the hazardous conditions remain unchanged. The State Superintendent may request the Department to verify that conditions have not changed. Any such request by the State Superintendent shall be made to the Secretary of the Department of-transportation. The Secretary will assign a request for verification to the appropriate District Office.

e) Reimbursement.

A school district shall maintain a copy of each approved safety busing submittal in its files for future auditing of district transportation claims. Eligibility for reimbursement of transportation costs for qualifying pupils are children-is effective on the date of the approval by the Department's District Engineer. Actual reimbursement will be handled in a manner similar to other transportation reimbursement procedures and questions should be referred to the State Superintendent of Education, rather than the Department of

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Transportation. Questions regarding statutory provisions such as providing transportation for private schools and the prohibition of State reimbursement where adequate public transportation is available should also be addressed to the State Superintendent.

(Source: Renumbered and amended at 25 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Uniform Electric Fuel Adjustment
- 2) Code Citation: 83 Ill. Adm. Code 425
- 3) Section Numbers: Adopted Action:
425.30 Amendment
425.40 Amendment
- 4) Statutory Authority: Implementing Section 9-220 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220 and 10-101].
- 5) Effective Date of Rulemaking: August 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 23, 2001, at 25 Ill. Reg. 4067
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 425.40(i): Delete "quantity"; add "and" after "sales"; delete ", less"; delete "the quantity".
Add the following in Section 425.40:

"j) Incremental Energy Cost. The incremental cost of a transaction is the additional energy cost incurred by the utility as a direct result of the transaction."
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes required
 - 13) Will this rulemaking replace an emergency rulemaking currently in effect?
Yes
 - 14) Are there any amendments pending on this Part? No
 - 15) Summary and Purpose of Rulemaking: The Commission has adopted 83 Ill. Adm. Code 425, "Uniform Electric Fuel Adjustment", to implement Section 9-220 of the Public Utilities Act. Section 9-220(a) provides in relevant part:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Notwithstanding the provisions of Section 9-201, the Commission may authorize the increase or decrease of rates and charges based upon changes in the cost of fuel used in the generation or production of electric power, changes in the cost of purchased power, or changes in the cost of purchased gas through the application of fuel adjustment clauses or purchased gas adjustment clauses.

When the Commission first adopted Part 425, it was not anticipated that electric utilities would receive the right to sell the electricity they generate to retail customers on a non-tariffed basis in their own service area and in the service areas of other utilities. Part 425 has been construed by the Commission in one instance to allow an electric utility to subtract costs attributable to its competitive off-system sales on an average cost, rather than on an incremental cost, basis.

If costs attributable to non-jurisdictional sales (including retail sales to off-system customers) are subtracted from amounts otherwise recoverable under the fuel adjustment clause (FAC), and if fuel costs and purchased power costs are lumped together and subtracted using average rather than incremental costs, the effect is to require FAC customers to pay for a portion of the power costs incurred only because the electric utility has contractually obliged itself to serve a non-native customer or to provide service on a competitive basis to customers within its service area. Under such a construction, retail customers who have no choice but to take electricity priced at the tariffed FAC level effectively subsidize the utility as it sells electricity it has purchased at the then-going market rate to serve extra-territorial customers, or possibly to serve a new load of competitive customers within its own service area. It is questionable whether the rates set to collect such a subsidy would be considered just and reasonable for purposes of Article IX of the Public Utilities Act.

The amendment of Part 425 is intended to clarify that energy costs associated with competitive, non-regulated sales to retail customers resulting from the enactment of Article XVI of the Act are not required to be deducted from costs otherwise recoverable under the FAC on the basis of average cost.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)785-3922

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 425

UNIFORM ELECTRIC FUEL ADJUSTMENT

Section	Applicability
425.10	Cost Basis
425.20	Fuel Adjustment Formula
425.30	Interpretation
425.40	Administration
425.50	

AUTHORITY: Implementing Section 9-220 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-220 and 10-101].

SOURCE: Adopted at 5 Ill. Reg. 14133, effective December 3, 1981; amended at 7 Ill. Reg. 191, effective December 15, 1982; codified at 7 Ill. Reg. 14505; amended at 9 Ill. Reg. 684, effective January 8, 1985; amended at 13 Ill. Reg. 16730, effective January 1, 1990; amended at 18 Ill. Reg. 17989, effective December 15, 1994; amended at 19 Ill. Reg. 13882, effective October 1, 1995; emergency amendment at 25 Ill. Reg. 4307, effective March 9, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10182, effective 10/1/01.

Section 425.30 Fuel Adjustment Formula

The fuel adjustment clause shall be of the following form:

$$FAC = \frac{(CF + CPP - CNS) \times 100 - BFC + Ra + Ro + D}{S}$$

where:

FAC = Fuel adjustment charge per KWH. The amount in cents per KWH, rounded to the nearest .001¢, to be charged for each applicable KWH billed or delivered in the billing period, in excess of that amount included in Base Fuel Costs. The FAC is subject to refunds or increases due to overcollection or undercollection, depending on the results of the automatic reconciliation factor (Ra) and the ordered reconciliation factor (Ro) as defined under Section 425.50 "Administration".

CF = Allowable fuel cost associated with company owned generating plants. Fuel cost shall be interpreted in accordance with Section 425.40 "Interpretation" to include all fossil and nuclear fuel to be consumed in the utility's own plants or in plants owned by wholly-owned subsidiaries of the utility and/or the utility's share of fossil and nuclear fuel to be consumed in jointly owned or leased

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

plants during the period for which the FAC is being determined.

CPP = Allowable energy cost associated with purchased power. Purchased power shall be interpreted to include emergency, contract, and economy purchases. Except for power purchased for economy reasons, only the energy portion of the power to be purchased during the period for which the FAC is being determined is to be included. All other associated charges are specifically excluded. The demand charges for power to be purchased for economy reasons are allowable energy cost.

CNS = Energy fuel costs associated with sales not subject to FAC. Energy costs associated with non-jurisdictional Non-jurisdictional sales, including sales for resale, interdepartmental sales, energy furnished without charge, and other sales not subject to FAC shall be included in factor CNS on the basis of average CNS energy cost. Such fuel costs shall be assumed to be average fuel costs during the period for which the FAC is being determined, except in the case of energy fuel costs associated with interchange power sales which shall represent the amounts recovered with respect to fuel in such sales, ordinary the incremental cost of such fuel, and except in the case of energy costs associated with sales made to retail customers as a "competitive service", as that term is defined in Section 16-102 of the Public Utilities Act [220 ILCS 5/16-102]. Energy costs associated with interchange power sales and sales made to retail customers as a competitive service shall be included in factor CNS on an incremental cost basis.

S = Applicable estimated kWhs subject to FAC either to be billed or delivered during the period for which the FAC is being determined.

BFC = Base Fuel Cost in cents/kWh.

Ra = Automatic Reconciliation factor in cents/kWh.

Ro = Ordered Reconciliation factor in cents/kWh.

D = Desulfurization fee in cents/kWh.

(Source: Amended at 25 Ill. Reg. 10182.2, effective 4/1/91)

Section 425.40 Interpretation

a) Economic dispatch. Economic dispatch means the operation of the electric utility's system, utilizing the source of available power to achieve minimum overall costs, taking into consideration the utility's voltage, frequency, reliability, environmental, safety and service quality requirements, as well as the utility's existing contractual obligations. The utility shall adhere to the principles of economic dispatch unless under unusual circumstances the prudent operation of the utility's system dictates otherwise. If there is a deviation from economic dispatch or any use of less than 100% of the fuel cost of any resource in the dispatch, the deviation shall be fully explained in the initial monthly filing after the facts giving rise to such

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

deviation first occur. Subsequent filings which continue to be affected by facts previously explained need not be accompanied by such explanation.

b) Billing period. The billing period is defined as the period beginning with the first billing cycle of the month for which the FAC is being determined and ending with the last billing cycle thereof.

c) Allowable fuel and fuel related charges (CF).

1) The cost of fuel shall include the direct cost of fuel delivered at the generating plants. The direct fossil fuel costs are limited to costs entered into fuel expense Accounts #501 and #547 which have been cleared upon consumption from Fuel Stock Account #151, or in the case of gas fuel the amount which is charged directly to Accounts #501 or #547. Costs cleared from Fuel Stock Accounts #152 and #153 are specifically excluded. The cost of fuel used in the generation or production of electric power shall not include transportation costs of coal (this exclusion includes items 2, 4, and 5 of Fuel Stock Account #151) except as otherwise provided in this subsection. Such costs of fuel shall, when requested by a utility or at the conclusion of the utility's next general electric rate proceeding, whichever shall first occur, include transportation costs of coal purchased under existing coal purchase contracts. For purposes of this subsection "existing coal purchase contracts" means contracts for the purchase of coal in effect on August 27, 1991, as such contracts may thereafter be amended, but only to the extent that any such amendment does not increase the aggregate quantity of coal to be purchased under such contract (Section 9-220 of the Public Utilities Act ("Act") [220 ILCS 5/9-220]).

2) The cost of nuclear fuel shall be that as expensed in Account #518, including provisions for storage and disposal of spent nuclear fuel including spent fuel disposal fees, except that handling costs for nuclear fuel assemblies or any expense for fossil fuel which has already been included in the costs of fossil fuel, are specifically excluded.

3) The consumed fuel costs associated with test generation shall be included in allowable fuel and fuel related charges to the extent they are equal to or less than the average fuel costs of the utility's other units operated during the period for which the FAC is being determined. Average fuel costs equal total fuel costs of a utility's generating facilities less the cost of test generation, divided by total net generation less test generation.

4) Where the cost of fuel includes fuel and/or transportation costs from company owned or controlled services (in whole or in part), that fact shall be noted and described as part of any filing.

5) With respect to the price of fuel purchases or transportation services from company or controlled sources pursuant to contracts which are not subject to regulatory authority, the utility company shall file such contracts and amendments thereto annually

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

with the Commission.

- 6) Fuel or transportation charges by affiliated companies which do not appear to be reasonable may result in the suspension of the fuel adjustment clause or cause an investigation thereof to be made by the Commission on its own motion. Any suspension of the fuel adjustment clause may occur if, after a hearing, a finding is made that such charges of a utility are unreasonable.
- 7) The cost of fuel shall include the direct cost of purchasing or otherwise acquiring, for utility operations purposes, emission allowances, created under the Federal Clean Air Act Amendments of 1990 (Pub. L. 101-549) including the emission allowances allocated to the utility by the United States Environmental Protection Agency, limited to the following:
 - A) The costs cleared from Account #158.1 - Allowance Inventory, and charged to Account #509 - Allowances, concurrent with the monthly emission of sulfur dioxide;
 - B) The gains cleared from Account #254 - Other Regulatory Liabilities, and credited to Account #411.8 - Gains from Disposition of Allowances; and
 - C) The losses charged to Account #411.9 - Losses from Disposition of Allowances.
- d) Allowable Energy Costs Associated with Purchased Power (CPP) represents only the energy cost portion of emergency and contract purchases. It represents the energy and demand cost portions of economy purchases. Non-monetary exchanges of power are not included. Mt. Carmel Public Utility Co., and South Beloit Water, Gas and Electric Company are permitted to include in their computation of purchased power cost (CPP) the demand charges associated with such purchases.
- e) Base Fuel Cost (BFC). The base fuel costs in cents per KWH rounded to the nearest .001¢ included in the energy charges of the utility's rates.
- f) Non-jurisdictional sales. Sales not subject to the jurisdiction of the Commission. Fuel--costs-associated-with-sales-to-other-private-owned-electric-utilities-under-interchange-power-agreements.
- g) Desulfurization Cost. Payment for professional services, licenses, etc. for the implementation and operation of a process for the desulfurization of the flue gas when burning high sulfur coal at any location within the state of Illinois irrespective of the attainment status designation of such location, except for any fees or costs related to a service contract to the extent that recovery of comparable costs would not be permitted through the FAC if incurred directly by a utility owning and operating such a facility (Section 9-220 of the Act). If fees are more than 10% of the estimated fuel cost for the month (CF +% CPP - CNS) excluding the desulfurization fees, they shall be deferred (Account #186, Miscellaneous Deferred Debits) and amortized at a rate which will permit the charge off of the deferred amount in the shortest time frame, while conforming to

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- the 10% restraint.
- b) CNS Energy Cost. Energy cost associated with CNS, consisting of generation fuel cost (CF) and purchased power cost (CPP).
 - i) Average CNS Energy Cost. Average cost associated with CNS energy cost per kWh shall be computed as a fraction, the numerator of which equals the total energy cost, less costs attributable to interchange power sales and energy costs associated with sales made to retail customers as a "competitive service", as that term is defined in Section 16-102 of the Act. The denominator of the fraction shall equal the number of kWh of electricity, the costs of which are included in total energy cost, less the number of kWh the costs of which are excluded from the numerator of this fraction.
 - j) Incremental Energy Cost. The incremental cost of a transaction is the additional energy cost incurred by the utility as a direct result of the transaction.

(Source: Amended at 25 Ill. Reg. 10182, effective 4/16/2001)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Definitions of the Terms "Noncancellable", "Noncancellable and Guaranteed Renewable" and "Guaranteed Renewable".
- 2) Code Citation: 50 Ill. Adm. Code 2003
- 3) Section Number: Adopted Action:
 2003.10 Amended
 2003.20 Amended
 2003.25 New Section
 2003.30 Amended
 2003.40 Amended
 2003.50 Amended
 2003.60 Amended
 2003.70 Amended
 2003.80 Amended

4) Statutory Authority: Implementing and authorized by Sections 143, 149 and 357.5 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143, 149 and 357.5].

5) Effective Date of Amendments: July 30, 2001

6) Do these amendments contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 03/09/01, 25 Ill. Reg. 3349

10) Has JCAR issued a Statement of Objection to this Part? No

11) Differences between proposal and final version:

- a. In Section 2003.40, struck "above" and added "in Section 2003.30".
- b. In Section 2003.50, struck "foregoing" and added "described in Sections 2003.30 and 2003.40 above" after "noncancellable" on the first line.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The purpose of these amendments is to address the changes in the law as a result of the adoption of Illinois Health Insurance Portability and Accountability Act (HIPAA) [215 ILCS 97] and clarify the difference between advertising a product as guaranteed renewable versus the treatment given under HIPAA.

16) Information and questions regarding this adopted amendment shall be directed to:

Chuck Feinen
 Staff Attorney
 Department of Insurance
 320 West Washington
 Springfield, Illinois 62767-0001
 (217) 782-2867

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2003

DEFINITIONS OF THE TERMS "NONCANCELLABLE,"
"NONCANCELLABLE AND GUARANTEED RENEWABLE,"
AND "GUARANTEED RENEWABLE"

Section
2003.10 Authority
2003.20 Applicability
2003.25 Definitions
2003.30 Requirements if the Term Definitions of "Noncancellable" Is Used in a Policy or Advertisement
2003.40 Requirements if the Term Definition of "Guaranteed Renewable" Is Used in a Policy or Advertisement
2003.50 Synonyms
2003.60 Medicare Exception
2003.70 Other Guarantees
2003.80 Effective Date

AUTHORITY: Implementing Sections 143, 149 and 357.5 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143, 149, 357.5 and 401].

SOURCE: Filed December 14, 1965, effective December 28, 1965; codified at 7 Ill. Reg. 3472; amended at 25 Ill. Reg. 10190, effective

Section 2003.10 Authority

This Part is issued by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code, and it implements Sections 143, 149 and 357.5 of the Illinois Insurance Code by establishing requirements for the use definitions of the terms "noncancellable", "noncancellable and guaranteed renewable", and "guaranteed renewable", as recommended by the National Association of Insurance Commissioners, when such terms are used in individual and family accident and health insurance policies and in the advertising thereof.

(Source: Amended at 25 Ill. Reg. 10190, effective

Section 2003.20 Applicability

This Part shall apply to all companies transacting in this State state the kinds of business enumerated in clause (b) of Class 1 and clause (a) of Class 2 of Section 4, Class 1(b) and Class 2(a) of the Illinois Insurance Code [215 ILCS 5/4] (Rev. Stat. 1965, ch. 73, par. 616) and to all other "persons"

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

as defined in Section 422 of the Illinois Insurance Code [215 ILCS 5/422] (Rev. Stat. 1965, ch. 73, par. 1029) who are engaging in an accident and health insurance business in this State state. However, this Part does not affect policies that must meet guaranteed renewability requirements established by Section 50 of the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97/50], if the terms regulated by this Part are not used in the policy or the advertising of the policy.

(Source: Amended at 25 Ill. Reg. 10190, effective

Section 2003.25 Definitions

Advertisement means any printed or published material, audiovisual material and descriptive literature of the health care plan used in direct mail, newspapers, magazines, radio scripts, television scripts, billboards, websites, electronic mail and similar displays; and any descriptive literature or sales aids of all kinds disseminated by a representative of the health care plan for presentation to the public, including, but not limited to, circulars, leaflets, booklets, depictions, illustrations, form letters and prepared sales presentations and any other written or oral representations delivered by any means.

Code means the Illinois Insurance Code [215 ILCS 5].

Director means the Director of the Illinois Department of Insurance.

Policy means all or any part of the forms constituting the contract between the insurer and the insured, including the policy, certificate, subscriber contract, riders, endorsements, and the application if attached, that are subject to filing with and approval by the Director.

(Source: Added at 25 Ill. Reg. 10190, effective

Section 2003.30 Requirements if the Term Definitions of "Noncancellable" Is Used in a Policy or Advertisement, etc.

If the terms "noncancellable" or "noncancellable and guaranteed renewable" are used only in a policy, or in the advertising of a policy, which the insured has the right to continue in force by the timely payment of premiums set forth in the policy:

- until at least age 50, or
- in the case of a policy issued after age 44, for at least five years from its date of issue, during which period the company has no right to make unilaterally any change in any provision of the policy while

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

the policy is in force.

(Source: Amended at 25 Ill. Reg. 10190-, effective 10/1/2001)

Section 2003.40 Requirements if the Term Definition-of "Guaranteed Renewable" Is Used in a Policy or Advertisement

Except as provided in Section 2003.30 above, the term "guaranteed renewable" may be used only in a policy, or in the advertisement of a policy, that which the insured has the right to continue in force by the timely payment of premiums:

- a) until at least age 50, or
- b) in the case of a policy issued after age 44, for at least five years from its date of issue, during which period the company has no right to make unilaterally any change in any provision of the policy while the policy is in force, except that the company may make changes in premium rates by classes. Any such change in rates shall be filed with the Director pursuant to Section 355 of the Code [215 ILCS 5/355] (Ill.-Rev.-Stat.-1987, ch.-73, par.-967).

(Source: Amended at 25 Ill. Reg. 10190-, effective 10/1/2001)

Section 2003.50 Synonyms

The foregoing limitations limitation on use of the term "noncancellable" described in Sections 2003.30 and 2003.40 above shall also apply to any synonymous term such as "not cancellable", and the limitation on use of the term "guaranteed renewable" shall apply to any synonymous term such as "guaranteed continuable".

(Source: Amended at 25 Ill. Reg. 10190-, effective 10/1/2001)

Section 2003.60 Medicare Exception

The requirements definitions in Sections 2003.30 and 2003.40 of this Part are not intended to preclude the issuance of hospital, surgical and medical coverages which may be classified as "noncancellable", "noncancellable and guaranteed renewable" or "guaranteed renewable" to the date of eligibility for benefits under Title XVIII of the Social Security Act, Health Insurance for the Aged Act (42 USC 8-6, 1395 et seq.), commonly known as Medicare, provided the policy contains a definition of such date of eligibility, such as: "the day before the date of eligibility for any coverage under Title XVIII of the Social Security Act as amended", or similar language. Where loss-of-time and hospital-medical-surgical coverages are issued in a combination policy, the hospital-medical-surgical coverages may be classified as "noncancellable",

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

"noncancellable and guaranteed renewable" or "guaranteed renewable" to the date of eligibility for benefits under Title XVIII of the Social Security Act without so limiting the loss-of-time coverage in the same policy.

(Source: Amended at 25 Ill. Reg. 10190-, effective 10/1/2001)

Section 2003.70 Other Guarantees

Nothing herein contained within this Part is intended to restrict the development of policies having other guarantees of renewability, or to prevent the accurate description of their terms of renewability or the classification of such policies as guaranteed renewable or noncancellable for any period during which they may actually be such, provided the terms used to describe them in policy contracts and advertising are not such as may readily be confused with the above terms.

(Source: Amended at 25 Ill. Reg. 10190-, effective 10/1/2001)

Section 2003.80 Effective Date

This Part shall be effective and apply to all individual and family accident and health insurance policies issued or issued for delivery in this State state and the advertising of those policies thereof on and after December 28, 1965.

(Source: Amended at 25 Ill. Reg. 10190-, effective 10/1/2001)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers: 350.280
Adopted Action:
Amended
- 4) Statutory Authority: Implementing and authorized by the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].
- 5) Effective Date of Amendment: July 30, 2001
- 6) Does this amendment contain an automatic repeal by reference? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 5805 (May 4, 2001)
- 10) Has JCAR Issued a Statement of Objections to this amendment? No
- 11) Differences Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendments currently in effect?
No
- 14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendment: The rulemaking updates the Illinois Department of Labor's (IDOL) occupational safety and health standards. Section 4 of the Health and Safety Act mandates IDOL's adoption of all federal occupational safety and health standards (OSH rules) promulgated, modified, or revoked by the U.S. Secretary of Labor, unless the State already has in place alternative rules that are at least as effective as the OSH rules. See 820 ILCS 225/4 (d) (2000). Adoption of these rules ensure that: (1) public sector workers have the same level of protection afforded to private sector workers within the State of Illinois; and (2) Illinois' public sector employers benefit from the elimination, updating and clarification of the OSH rules that IDOL previously adopted.

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted amendment shall be directed to:

William Rolando, Assistant Director
Illinois Department of Labor
One West Old State Capitol Plaza
Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (telex)

The full text of the adopted amendment begins on the next page:

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER I: DEPARTMENT OF LABOR

SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350
HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	Purpose and Scope
350.10	Definitions
350.20	Posting of Notice
350.30	Availability of Rules and Standards
350.40	Inspection Authority
350.50	Advance Notice of Inspection
350.60	Conduct of Inspections
350.70	Closing Conferences
350.80	Representatives of Employers and Employees
350.90	Objections During Inspection
350.100	Trade Secrets or Confidential Information
350.110	Consultation with Employees
350.120	Complaints by Employees
350.130	Imminent Danger
350.140	Citations
350.150	Posting of Citations
350.160	Appeal of Citation
350.170	Appeal of Abatement Period
350.180	Petition for Variance from Standards
350.190	Hearings
350.200	Advisory Inspections

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section	Emergency Notification
350.210	Recordable Injuries and Illnesses
350.220	Log of Injuries and Illnesses
350.230	Supplementary Record of Injuries and Illnesses
350.240	Annual Summary
350.250	Retention of Records
350.260	Access to Records
350.270	

SUBPART C: FEDERAL STANDARDS

Adoption of Federal Standards

Section 350.280

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT

Inspection Procedure for the Respiratory Protection Standard, CPL 2-0.120 (Sept. 18, 1998).

Small Entity Compliance Guide for the Revised Respiratory Protection Standard, OSHA Directorate of Health Standards Programs (Sept. 30, 1998).

Illinois Fire Chiefs Association - A Guideline on OSHA's 1998 Update of Its 1971 Respiratory Protection Standard (March 9, 1999).

- 3) The following interpretation of 29 CFR 1910 and 1926, Standards Improvement (Miscellaneous Changes) For General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic (1998, no later amendments or editions), 29 CFR 1915 and 1926, Occupational Exposure to Asbestos (1998, no later amendments or editions), 29 CFR 1910, Methylene Chloride (1998, no later amendments or editions), 29 CFR 1910, Permit-Required Confined Spaces (1998, no later amendments or editions), 29 CFR 1910, 1915, 1917, 1918, and 1926, Powered Industrial Truck Operator Training (1999, no later amendments or editions), are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

Preamble: Standards Improvement (Miscellaneous Changes) For General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule, 63 Fed. Reg. 33450 (June 18, 1998).

Preamble: Occupational Exposure to Asbestos; 7 63 Fed. Reg. 35137 (June 29, 1998).

Preamble: Methylene Chloride; Final Rule, 63 Fed. Reg. 50711 (Sept. 22, 1998).

Preamble: Permit-Required Confined Spaces; Final Rule, 63 Fed. Reg. 66018 (Dec. 1, 1998).

Preamble: Powered Industrial Truck Operator Training; Final Rule, 63 Fed. Reg. 66238 (Dec. 1, 1998).

- 4) The following interpretation of 29 CFR 1910, Dipping and Coating Operations (1999, no later amendments or editions),⁷ is incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT

Preamble: Dipping and Coating Operations;⁷ Final Rule, 64 Fed. Reg. 13897 (March 23, 1999).

- 5) The following interpretation of 29 CFR 1926 Safety Standards for Steel Erection (2001, no later amendments or editions), 29 CFR 1910 Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries (2001, no later amendments or editions) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

Preamble: Safety Standards for Steel Erection; Final Rule, 66 Fed. Reg. 5196 (Jan. 18, 2001).

Preamble: Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries; Final Rule, 66 Fed. Reg. 5318 (Jan. 18, 2001).

- b) The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions which provide equivalent protection will be adopted. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].
- c) The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991, no later amendments or editions). The dates listed in paragraph (i) of 29 CFR 1910.1030 are not applicable to Illinois public sector employers. The effective date (paragraph (i)(1) of the adopted standard) for the Illinois public sector shall be the effective date of this amendment, as published in the Illinois Register. The compliance date for paragraph (i)(2) of the adopted standard shall be 30 days after the effective date, the date for paragraph (i)(3) shall be 60 days after the effective date, and the date for paragraph (i)(4) shall be 90 days after the effective date.
- d) The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are one, two, three, and four years, respectively, after August 1, 1994.

(Source: Amended at 25 Ill. Reg. 10196, effective 10/1/99)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Statewide Displaced Homemakers Program
- 2) Code Citation: 56 Ill. Adm. Code 365
- 3) Section Numbers: Adopted Action:
365.110 Amended
365.120 Amended
- 4) Statutory Authority: Implementing and authorized by the Displaced Homemakers Assistance Act [20 ILCS 615].
- 5) Effective Date of Amendments: July 30, 2001
- 6) Does this rulemaking contain an automatic repeal by reference? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 5701 (Apr. 27, 2001)
- 10) Has JCAR Issued a Statement of Objections to these amendments? No
- 11) Difference Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments: The rulemaking details and cross-references the applicable rules for the following: the "rules, regulations, and requirements which the Department of Labor may establish for its programs" (referenced in Section 365.110(a)); the terms and subject matter of its "signed agreement" (referenced in Section 365.110 (c)); the "rules and regulations" and "standard procedures" (referenced in Section 365.120 (a)); the procedures/mechanism that would prevent "the Department from obtaining appropriate reimbursement from the State government" (in Section 365.120 (b)); and the statutory authority by which "the Department may retain all suspended payments" (in Section 365.120 (b)).

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

William Rolando, Assistant Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (telefax)

The full text of the adopted amendments begins on the next page:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600

UNIVERSITIES RETIREMENT

SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.130	Procurement
1600.140	Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1600.150	Definitions
1600.151	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152	Curing Minor Deficiencies
1600.153	Filing a QILDRO with the System
1600.154	Modified QILDROS
1600.155	Benefits Affected by a QILDRO
1600.156	Effect of a Valid QILDRO
1600.157	QILDROS Against Persons Who Became Members Prior to July 1, 1999
1600.158	Alternate Payee's Address
1600.159	Electing Form of Payment
1600.160	Automatic Annual Increases
1600.161	Expiration of a QILDRO
1600.162	Reciprocal Systems QILDRO Policy Statement
1600.163	Providing Benefit Information for Divorce Purposes

APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 26, 2001.

SUBPART A: MISCELLANEOUS PROCEDURES

Section 1600.140 Making Preliminary Estimated Payments

- a) The State Universities Retirement System of Illinois (SURS) shall make a Preliminary Estimated Payment (PEP) to members who qualify for a retirement annuity and file an application for that annuity. The purpose of a PEP is to provide members with some of their retirement income while their retirement claim is still being processed. The amount of the PEP shall be based on the highest applicable Rule described in Section 15-136 [40 ILCS 5/15-136].
- b) The PEP calculation will not consider unverified current year earnings, nor unverified current year vacation payments, nor unverified additional credit for unused and unpaid sick leave, nor unverified Reciprocal credits, nor Early Retirement Option payments, nor additional service credit purchased after the application for retirement annuity has been received by SURS. Applicable taxes and insurance premiums will be deducted from the PEP.
- d) Date of Payment.
 - 1) If the application for retirement annuity is received at least 90 days before the member's effective retirement date, the PEP will be paid on the first working day of the month following the effective date of the annuity. It will be paid each month until the retirement claim is finalized.
 - 2) If the application for retirement annuity, or the decision of the member under subsection (d)(3), is received less than 90 days before the member's effective retirement date, the PEP will be paid as soon as practicable. It will be paid each month until the retirement claim is finalized.
 - 3) If the member is entitled to the election under Section 15-135.1 of the Illinois Pension Code [40 ILCS 5/15-135.1], the member must first make or decline that election before a PEP can be calculated.
- e) Amount of Payment. SURS shall pay a PEP amount pursuant to the following calculations:
 - 1) If the member has Reciprocal Service Credit, SURS will apply Rule

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

2. (see 40 ILCS 5/15-136).
- A) If in a Reciprocal case Rule 1 is estimated to be highest, SURS will pay 100% of the Rule 2 amount.
- B) If in a Reciprocal case Rule 2 is estimated to be highest, SURS will pay 80% of the Rule 2 amount.
- 2.) If the member has no Reciprocal credits, SURS will pay 90% of the estimated Rule 1 amount or 90% of the estimated Rule 2 amount, whichever is higher.
- 3.) If the member qualifies under P.A. 91-0395, SURS will pay 100% of the estimated Rule 2 amount.
- 4.) If the member qualifies under Section 15-136.3 of the Illinois Pension Code [40 ILCS 5/15-136.3], SURS will pay the higher of \$75 per month or 100% of the estimated Rule 2 amount.
- 5.) If the member qualifies for a retirement annuity under Rule 4, SURS will pay 90% of the Rule 4 amount.
- 6.) If the member applies for a retirement annuity under Rule 4, the years of service as a Police/Firefighter have not yet been verified by Staff, SURS will pay 90% of the Rule 2 amount.
- f.) Once the retirement claim has been finalized, the member will receive a check for the difference between the PEP payments and the actual monthly benefit amount that is due him or her, retroactive to the effective date of the member's annuity, without interest. If the PEP payments result in an overpayment, SURS will recover the overpaid benefit from future benefits, without interest.

(Source: Added at 25 Ill. Reg. 10206, effective _____)

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section 1600.150 Definitions

- a.) The definitions in Section 1-119(a) of the Illinois Pension Code (the Act) [40 ILCS 5/1-119(a)] shall apply to the rules contained in this Subpart.
- b.) The phrase "alternate payee" in Section 1-119(a)(1) of the Act means a current spouse, former spouse, child, or other dependent of a SURS member, as designated in a QILDRO.
- c.) The phrase "death benefit" in Section 1-119(a)(2) of the Act means a benefit paid pursuant to Section 15-141 or 15-142 of the Act [40 ILCS 5/15-141, 15-142].
- d.) The phrase "member's refund" in Section 1-119(a)(5) of the Act does not include an "error refund" as defined in subsection (e) of this Section.
- e.) The phrase "error refund" as used in this Subpart means a refund paid to a member as the result of an error in a payment to the System.
- f.) The phrase "disability benefit" in Section 1-119(a)(3) of the Act includes:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- 1.) A disability benefit under Section 15-150 of the Act [40 ILCS 5/15-150]; or
- 2.) A disability retirement annuity under Section 15-153.2 of the Act [40 ILCS 5/15-153.2].
- g.) The phrase "member's retirement benefit" as used in this Subpart means the total amount of the retirement benefit as defined in Section 1-119(a)(8) of the Act [40 ILCS 5/1-119(a)(8)] that would be payable to the member in the absence of a QILDRO.
- h.) The phrase "partial member's refund" as used in this Subpart includes:
- 1.) A refund of survivor benefit contributions;
- 2.) A refund of excess contributions or interest; or
- 3.) A refund of waived service credit.

(Source: Added at 25 Ill. Reg. 10206, effective _____)

Section 1600.151 Requirements for a Valid Qualified Illinois Domestic Relations Order

The State Universities Retirement System (SURS) will accept a court order as a valid Qualified Illinois Domestic Relations Order, or QILDRO, that meets all of the following requirements:

- a.) The order must be accompanied by a \$50 non-refundable processing fee, by check or money order payable to the State Universities Retirement System.
- b.) If the order applies to a person who became a SURS member before July 1, 1999, it must be accompanied by the original Consent to Issuance of QILDRO form signed by the member, or a certified copy of the original. The consent cannot be signed by a judge, sheriff, or any person other than the member.
- c.) The order must be a certified copy of the original.
- d.) The order must have been issued by an Illinois court of competent jurisdiction in a proceeding for declaration of invalidity of marriage, legal separation, or dissolution of marriage that provides for the distribution of property, or any proceeding to amend or enforce such property distribution.
- e.) The order must contain the name, residence address, and Social Security number of the member.
- f.) The order must contain the name, residence address, and Social Security number of the alternate payee.
- g.) The order must identify the State Universities Retirement System as the retirement system to which it is directed.
- h.) The order must identify the court that issued it.
- i.) The order must specify the dollar amount of the benefit and/or refund payable to the alternate payee. Percentages or formulas are not permissible. The order may specify a termination date or total amount that, when paid out, terminates the QILDRO.
- j.) The order must apply only to benefits that are statutorily subject to

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

QILDROs, as provided in Section 1-119(b)(1) of the Act [40 ILCS 5/1-119(b)(1)].

k) The order and, if applicable, the Consent to Issuance of QILDRO, must be in the form adopted by SURS as of the date the order is received. Any alterations will invalidate the order.

l) The effective date of the order must be after July 1, 1999.

m) The order must designate whether the alternate payee will receive automatic annual increases.

(Source: Added at 25 Ill. Reg. 10206, effective July 1, 1999)

Section 1600.152 Curing Minor Deficiencies

a) An order containing one or more deficiencies listed in subsection (b) of this Section may be corrected and resubmitted within 60 days after the date SURS sends notice of the deficiency or deficiencies. Such 60-day period is referred to in this Section as the cure period.

b) Only the following deficiencies may be corrected during the cure period:

1) The order is not accompanied by a \$50 non-refundable processing fee, by check or money order made payable to the State Universities Retirement System, or else the check does not clear.

2) The order is not a certified copy of the original.

3) The order omits the residence address or Social Security number of the member or the alternate payee.

4) The order contains an inaccurate residence address or Social Security number of the member or the alternate payee.

5) The order contains a misspelled name of the member or the alternate payee.

6) The order applies to a person who became a SURS member before July 1, 1999, and is not accompanied by the original, or certified copy of a valid Consent to Issuance of QILDRO signed by the member, or the consent form is not in the form adopted by SURS.

7) The order does not designate whether the alternate payee will receive automatic annual increases or similar periodic adjustments.

8) Any other deficiency deemed by SURS, in its sole discretion, to be of a minor nature.

c) If SURS receives an order containing one or more deficiencies identified in subsection (b) of this Section, and the order applies to a member who is currently receiving a monthly benefit payment, SURS will hold the portion of the benefit payable to the alternate payee during the cure period until either:

1) SURS determines that all deficiencies have been corrected during the cure period; or

2) The cure period expires and one or more deficiencies have not

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

been corrected.

d) If SURS determines that all deficiencies have been corrected during the cure period, the QILDRO will be deemed received as of the date the original order was received.

e) If the cure period expires and SURS determines that one or more deficiencies have not been corrected, the order will be deemed invalid, and any amounts held during the cure period will be paid to the member.

(Source: Added at 25 Ill. Reg. 10206, effective July 1, 1999)

Section 1600.153 Filing a QILDRO with the System

a) A QILDRO should be sent to the SURS Member Services Division, accompanied by the consent form, if applicable, and the \$50 non-refundable processing fee.

b) A QILDRO will be deemed received by SURS on the date it is received at the SURS office.

c) Within 30 calendar days after receiving a QILDRO, SURS will review it and notify the member and each alternate payee by first-class mail that it has received the QILDRO, and whether it is a valid order. If SURS determines that the order is not a valid QILDRO, the notice will specify the reason or reasons.

(Source: Added at 25 Ill. Reg. 10206, effective July 1, 1999)

Section 1600.154 Modified QILDROs

a) A QILDRO that has been modified by the issuing court must be submitted in the same manner as the original QILDRO. A separate \$50 non-refundable processing fee is required for each modified QILDRO.

b) A modified QILDRO will hold the same priority of payment that the original QILDRO held, as long as it does not increase the amount (other than cost-of-living adjustment) of any benefit payable to the alternate payee or affect a different benefit.

c) If a modified QILDRO does increase the amount or affect different benefits (other than cost-of-living adjustment), it will lose the priority held by the original QILDRO and payment will be based on the date SURS received the modified QILDRO.

(Source: Added at 25 Ill. Reg. 10206, effective July 1, 1999)

Section 1600.155 Benefits Affected by a QILDRO

a) A QILDRO may apply only to the following benefits administered by

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

SURS:

- 1) A monthly retirement benefit;
 - 2) A single-sum retirement benefit;
 - 3) A termination refund; and
 - 4) A partial member's refund.
- b) If a QILDRO specifies a dollar amount payable to an alternate payee from any partial member's refund that becomes payable, the aggregate amount paid to the alternate payee from all partial member's refunds shall not exceed the dollar amount specified in the QILDRO.

c) A QILDRO shall not apply to any of the following:

- 1) A death benefit;
- 2) A survivor benefit;
- 3) A disability benefit;
- 4) A disability retirement annuity; and
- 5) An error refund.

(Source: Added at 25 Ill. Reg. 10206, effective

Section 1600.156 Effect of a Valid QILDRO

- a) After SURS has determined that a QILDRO is valid, one of the following will occur:

- 1) If the member has not yet begun receiving benefits, the QILDRO will be placed in the member's file and will be implemented when the first affected benefit payment begins; or
- 2) If the member is already receiving benefits subject to the QILDRO, payment to the alternate payee will begin with the first payment occurring at least 30 days after the QILDRO was received by SURS.
- b) If a member has applied for a refund that has not yet been vouchered when SURS receives a QILDRO that purports to apply to the refund, SURS will hold the refund until the court clarifies whether the QILDRO applies to the pending refund payment. It is the member's or alternate payee's responsibility to obtain clarification from the court and to notify SURS of the court's clarification.
- c) If a refund payment has already been vouchered when SURS receives a QILDRO that applies to the refund, the QILDRO shall not be effective against that refund.
- d) "Vouchered" as used in this Section means the check has been processed and printed.
- e) If a benefit is subject to multiple QILDROs, the QILDROs will be satisfied, to the extent that the benefit is not exhausted, in the order in which the QILDROs were received by the System.

(Source: Added at 25 Ill. Reg. 10206, effective

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

Section 1600.157 QILDROs Against Persons Who Became Members Prior to July 1, 1999

- a) In accordance with Section 1-119(m)(1) of the Act [40 ILCS 5/1-119(m)(1)], a QILDRO that applies to a person who became a SURS member prior to July 1, 1999, must be accompanied by the original Consent to Issuance of QILDRO signed by the member. A consent form signed by a judge in lieu of the member is invalid.
- b) If the original is unavailable, a certified copy of the consent form filed with the court that issued the QILDRO is acceptable in lieu of the original.
- c) The Consent to Issuance of QILDRO must be in the form adopted by SURS (including judicial district and county, case number and caption, member's name and SSN, alternate payee's name and SSN, member's signature and date) as of the date the QILDRO is received; otherwise it will be deemed invalid. The required consent form is available from SURS upon request.

(Source: Added at 25 Ill. Reg. 10206, effective

Section 1600.158 Alternate Payee's Address

- a) An alternate payee is responsible to report to SURS, in writing, each change in his or her name and residence address.
- b) When a member's retirement benefit or refund subject to a QILDRO becomes payable, SURS will send notice to the alternate payee's last known address that the benefit or refund is payable. Beyond that, SURS shall have no duty to take any other action to locate an alternate payee.
- c) If the notice is returned undelivered, SURS will hold the amount payable to the alternate payee, as provided in Section 1-119(e)(2) of the Act [40 ILCS 5/1-119(e)(2)] for 180 days from the date SURS sent the notice or 180 days from the date the benefit becomes payable, whichever is later. The amount held will not bear interest.
- d) If SURS is notified of the alternate payee's current address within 180 days, SURS will release the amount held to the alternate payee. If SURS does not learn of the alternate payee's current address within 180 days, SURS will release the amount held to the member.
- e) If SURS later learns of the alternate payee's current address, SURS will implement the QILDRO but the alternate payee will have no right to any amounts already paid to the member.

(Source: Added at 25 Ill. Reg. 10206, effective

Section 1600.159 Electing Form of Payment

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

- a) A member whose benefit is subject to a QILDRO may not elect a form of payment that would diminish the amount payable to the alternate payee, unless the alternate payee has consented to such election in writing, as provided in Section 1-119(j)(1) of the Act [40 ILCS 5/1-119(j)(1)].
- b) A member's election either to receive or forego a proportional annuity under the Retirement Systems Reciprocal Act [40 ILCS 5/20] is not a prohibited election under Section 1-119(j)(1) of the Act.
- c) A member's election to take a refund is not a prohibited election under Section 1-119(j)(1) of the Act.
- d) A member's election of a form of payment that reduces the member's total benefit, while still allowing full payment to the alternate payee under a QILDRO at the date of the election, is not a prohibited election under Section 1-119(j)(1) of the Act.
- e) If there is some question as to whether an election would diminish the amount payable to an alternate payee, SURS may hold the election until clarification is obtained from a court of competent jurisdiction. It shall be the duty of the member or alternate payee to obtain clarification.

(Source: Added at 25 Ill. Reg. 10206, effective 11/14/2001)

Section 1600.160 Automatic Annual Increases

- a) The alternate payee will or will not receive a proportionate share of any automatic annual increase in the member's retirement benefit under Section 15-136 of the Act [40 ILCS 5/15-136], according to the designation in the QILDRO.
- b) Except as provided in subsection (c) of this Section, the initial increase in the amount due the alternate payee under the QILDRO is payable with the next succeeding increase due the member after the date the QILDRO first took effect.
- c) If the QILDRO first takes effect in the same month the member's benefit is increased, the alternate payee's initial increase is not payable until the next increase in the member's benefit.
- d) SURS will calculate the amount of any increase payable to the alternate payee under the QILDRO.
- e) The amount of any increase payable to the alternate payee (other than any increase resulting from the member's initial automatic annual increase) is the percentage of increase due the member under Section 15-136 of the Act [40 ILCS 5/15-136], multiplied by the alternate payee's monthly benefit as of the date of the increase, multiplied by a fraction, the numerator of which is the number of months elapsed between the effective date of

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

the QILDRO and the date the initial increase becomes payable, and the denominator of which is the number of months elapsed between the date of retirement and the date the initial increase becomes payable.

(Source: Added at 25 Ill. Reg. 10206, effective 11/14/2001)

Section 1600.161 Expiration of a QILDRO

- a) A QILDRO expires upon the death of the alternate payee. The right to receive the affected benefit will then revert to the member.
- b) A QILDRO expires upon the death of the member.
- c) A QILDRO expires when the member takes a refund that terminates his or her participation in SURS. This is true even if the member's refund is paid to an alternate payee. A QILDRO that expires because the member took a refund is not renewed by his or her subsequent return to SURS membership.
- d) If a retired member returns to work, the QILDRO payments may be suspended. If so, the payments will resume when the member retires again.

(Source: Added at 25 Ill. Reg. 10206, effective 11/14/2001)

Section 1600.162 Reciprocal Systems QILDRO Policy Statement

It is the policy of SURS to administer QILDROs in a manner consistent with the Policy Statement of the Association of Retirement Systems on Qualified Illinois Domestic Relations Orders (the Reciprocal Systems QILDRO Policy Statement). To the extent that there is any conflict between this Part and the Reciprocal Systems QILDRO Policy Statement, this Part shall control.

(Source: Added at 25 Ill. Reg. 10206, effective 11/14/2001)

Section 1600.163 Providing Benefit Information for Divorce Purposes

- a) Within 45 days after receiving a subpoena or request from a member, SURS will provide a statement for divorce purposes regarding the value of a member's retirement benefit through the last completed academic year for which data are on file with SURS.
- b) Information provided by SURS for divorce purposes does not include the value of a member's retirement benefit accrued during an academic year for which data are not yet on file with SURS.
- c) Information provided by SURS for divorce purposes does not reflect an actuarial opinion as to the present values of a member's retirement benefit, refund, or other interests.
- d) Information provided by SURS for divorce purposes reflects the

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENTS

member's total service career for which service credit in SURS has accrued, and is not isolated as to the marital period only.

e) SURS does not calculate the amount of a member's retirement benefit or refund that would be payable to a former spouse pursuant to a divorce decree or dissolution judgment.

f) While SURS makes every effort to provide accurate information for divorce purposes, benefit estimates are by their nature approximate and subject to revision due to errors, omissions, erroneous assumptions, or future changes in the rules and laws governing SURS.

g) SURS does not disclose information for divorce purposes to spouses, former spouses, relatives, or other third parties, including the member's attorney, except in response to the member's written authorization to release such information, or in response to a subpoena.

(Source: Added at 25 Ill. Reg. 10206; effective

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Customer Credits

2) Code Citation: 83 Ill. Adm. Code 732

3) <u>Section Numbers:</u>	<u>Emergency Action:</u>
732.10	New Section
732.20	New Section
732.30	New Section
732.40	New Section

4) Statutory Authority: Implementing and authorized by Section 13-712 of the Public Utilities Act [220 ILCS 5/13-712].

5) Effective Date of Rules: August 1, 2001

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date Filed with the Index Department: July 26, 2001

8) A copy of the adopted rule, including any material incorporated by reference, is in the Commission's Springfield office and is available for public inspection.

9) Reason for Emergency: On June 30, 2001, P.A. 92-0022 became effective, amending the Public Utilities Act (Act) and making significant additions to Article XIII of the Act. One of the added Sections is Section 13-712, dealing with basic local exchange service quality and customer credits. Section 13-712(c) requires the Illinois Commerce Commission (Commission) to promulgate service quality rules for basic local exchange service which may include customer credits as an enforcement mechanism. Subsection (d) lists the minimum requirements to be met by local exchange carriers. Subsection (e) states that the rules shall include provisions for customers to be credited by the telecommunications carrier for violations of basic local exchange service quality standards as described in subsection (d).

With the statutory provisions regarding customer credits having become effective on June 30, 2001, the Commission notes that the legislation requires the Commission to promulgate rules in order for the telephone customers to receive the benefits of the customer credits. Therefore, the Commission is using its emergency rulemaking authority under the Illinois Administrative Procedure Act (IAPA) to immediately bring the benefits of the consumer credits to the local exchange customers in Illinois. Failure to use emergency rulemaking would have a detrimental effect on the welfare of those customers for whom this legislation was designed.

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

10) A Complete Description of the Subjects and Issues Involved: These emergency rules implement Section 13-712 of the Public Utilities Act. The rules repeat that statutory definitions and define terms that were left undefined in the statute. The rules recount the minimum statutory requirements for local service obligations and the credits due customers if the carriers do not meet these obligations. The rules also require the filing of tariffs by the carriers to implement these credit rules.

11) Are there any proposed rules to this Part pending: The Notice of Proposed Rules for this new Part are being published in this issue of the Register.

12) Statement of Statewide Policy Objectives: These emergency rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.

13) Information and questions regarding these rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
Phone: (217) 785-3922
Fax: (217) 524-9280

The full text of the Emergency Rules appears on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 732
CUSTOMER CREDITS

Section
732.10 Definitions
EMERGENCY
732.20 Local Exchange Service Obligations
EMERGENCY
732.30 Customer Credits
EMERGENCY
732.40 Filing of Tariffs
EMERGENCY

AUTHORITY: Implementing and authorized by Section 13-712 of the Public Utilities Act [220 ILCS 5/13-712].

SOURCE: Emergency rules adopted at 25 Ill. Reg. 10219^m, effective August 1, 2001, for a maximum of 150 days.

Section 732.10 Definitions
EMERGENCY

When used in this Part, the listed terms will have the definitions given in this Section.

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative telephone service" means, except where "technically impracticable, a wireless telephone capable of making local calls, and may also include, but is not limited to, call forwarding, voice mail, or paging services. [220 ILCS 5/13-712(b)(1)]

"Basic local exchange service" means residential and business lines used for local exchange telecommunications service as defined in Section 13-204 of the Act [220 ILCS 5/13-204], excluding: services that employ advanced telecommunications capability as defined in Section 706(c)(1) of the federal Telecommunications Act of 1996; vertical services; company official lines; and records work only. [220 ILCS 5/13-712(b)(2)]

"Customer" means any person, building owner, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., provided with local exchange carrier telecommunications

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

services as defined in Section 13-204 of the Law [220 ILCS 5/13-204]. "Customer" may also be referred to as "end user."

"Emergency situation shall mean a single event that causes an interruption of service or installations affecting end users of a local exchange carrier. The emergency situation shall begin with the first end user whose service is interrupted by the single event and shall end with the restoration of the service of all affected end users. The term "single event" shall include:

a declaration made by the applicable state or federal governmental agency that the area served by the local exchange carrier is either a state or federal disaster area; or

an act of third parties, including acts of terrorism, vandalism, riot, civil unrest, war, or acts of parties that are not agents, employees or contractors of the local exchange carrier; or

a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials.

The term "emergency situation" shall not include:

a single event caused by high temperature conditions alone; or

a single event caused by acts or omissions of the local exchange carrier, its agents, employees or contractors; or

any service interruption that occur during a single event listed in above, but are not caused by those single events; or

a single event that the local exchange carrier could have reasonably foreseen and taken precaution to prevent; provided, however, that in no event shall a local exchange carrier be required to undertake precautions which are technically infeasible or economically prohibitive.

"Link Up" means the Link Up Assistance program defined and established at 47 C.F.R. Section 54.411 et seq. as amended. [220 ILCS 5/13-712(b)(3)]

"Telecommunications carrier" or "carrier" means a telecommunications carrier as that term is defined in Section 13-202 of the Act [220 ILCS 5/13-202] that is providing local exchange telecommunications service as defined in Section 13-204 of the Act.

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

Section 732.20 Local Exchange Service Obligations
EMERGENCY

Each telecommunications carrier must do all of the following:

- a) Install basic local exchange service within 5 business days after receipt of an order from the customer unless the customer requests an installation date that is beyond 5 business days after placing the order for basic service and to inform the customer of its duty to install service within this timeframe. If installation of service is requested on or by a date more than 5 business days in the future, the telecommunications carrier shall install service by the date requested. A telecommunications carrier offering basic local exchange service utilizing the network or network elements of another carrier shall install new lines for basic local exchange service within 3 business days after provisioning of the line or lines by the carrier whose network or network elements are being utilized is complete. This subsection does not apply to the migration of a customer between telecommunications carriers, so long as the customer maintains dial tone.
- b) Restore basic local exchange service for a customer within 24 hours of receiving notice that a customer is out of service, including those service disruptions that occur when a customer switches existing basic local exchange service from one carrier to another.
- c) Keep all repair and installation appointments for basic local exchange service, when a customer premises visit requires a customer to be present.
- d) Inform a customer when a repair or installation appointment requires the customer to be present. [220 ILCS 5/13-712(d)]

Section 732.30 Customer Credits
EMERGENCY

A telecommunications carrier shall credit customers for violations of the basic local exchange service quality standards described in Section 732.20 of this Part. The credits shall be applied on the statement issued to the customer for the next monthly billing cycle following the violation or following the discovery of the violation.

- a) If a carrier fails to repair an out-of-service condition for basic local exchange service within 24 hours, the carrier shall provide a credit to the customer. If the service disruption is for 48 hours or less, the credit must be equal to a pro-rata portion of the monthly recurring charges for all local services disrupted. If the service disruption is for more than 48 hours, but not more than 72 hours, the credit must be equal to at least 33% of one month's recurring charges for all local services disrupted. If the service disruption is for more than 72 hours, but not more than 96 hours, the credit must be equal to at least 67% of one month's recurring charges for all local services disrupted. If the service disruption is for more than 96

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

hours, but not more than 120 hours, the credit must be equal to one month's recurring charges for all local services disrupted. For each day or portion thereof that the service disruption continues beyond the initial 120-hour period, the carrier shall also provide either alternative telephone service or an additional credit of \$20 per day, at the customers option.

- b) If a carrier fails to install basic local exchange service as required under Section 732.20(a), the carrier shall waive 50% of any installation charges, or in the absence of an installation charge or where installation is pursuant to the Link Up program, the carrier shall provide a credit of \$25. If a carrier fails to install service within 10 business days after the service application is placed, or fails to install service within 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the carrier shall waive 100% of the installation charge, or in the absence of an installation charge or where installation is provided pursuant to the Link Up program, the carrier shall provide a credit of \$50. For each day that the failure to install service continues beyond the initial 10 business days, or beyond 5 business days after the customer's requested installation date, if the requested date was more than 5 business days after the date of the order, the carrier shall also provide either alternative telephone service or an additional credit of \$20 per day, at the customer's option until service is installed.
- c) If a carrier fails to keep a scheduled repair or installation appointment when a customer premises visit requires a customer to be present, the carrier shall credit the customer \$50 per missed appointment. A credit required by this subsection does not apply when the carrier provides the customer with 24-hour notice of its inability to keep the appointment.

- d) If the violation of a basic local exchange service quality standard is caused by a carrier other than the carrier providing retail service to the customer, the carrier providing retail service to the customer shall credit the customer as provided in this Section. The carrier causing the violation shall reimburse the carrier providing retail service the amount credited the customer. When applicable, an interconnection agreement shall govern compensation between the carrier causing the violation, in whole or in part, and the retail carrier providing the credit to the customer.

- e) When alternative telephone service is appropriate, the customer may select one of the alternative telephone services offered by the carrier. The alternative telephone service shall be provided at no cost to the customer for the provision of local service.

- f) Credits required by this Section do not apply if the violation of a service quality standard:

- 1) occurs as a result of a negligent or willful act on the part of the customer;
- 2) occurs as a result of a malfunction of customer-owned telephone

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

- equipment or inside wiring;
- 3) occurs as a result of, or is extended by, an emergency situation;
 - 4) is extended by the carrier's inability to gain access to the customer's premises due to the customer missing an appointment, provided that the violation is not further extended by the carrier;
 - 5) occurs as a result of a customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier;
 - 6) occurs as a result of a carrier's right to refuse service to a customer as provided in 83 Ill. Adm. Code 735; or
 - 7) occurs as a result of a lack of facilities where a customer requests service at a geographically remote location, a customer requests service in a geographic area where the carrier is not currently offering service, or there are insufficient facilities to meet the customer's request for service, subject to a carrier's obligation for reasonable facilities planning.
- g) The provisions of this Section are cumulative and shall not in any way diminish or replace other civil or administrative remedies available to a customer or a class of customers. [220 ILCS 5/13-712(e)]

Section 732.40 Filing of Tariffs

EMERGENCY

Carriers offering basic local exchange service shall be fully subject to the requirements of this Part on August 1, 2001. Such carriers shall file tariffs to implement the requirements of this Part no later than the close of business on September 10, 2001, to take effect no later than September 15, 2001. Such carriers shall track customer eligibility for credits from and after August 1, 2001, and the tariffs filed pursuant to this Section shall provide for the credits required by this Part from and after August 1, 2001.

DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Disqualifying Income And Reduced Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2920
- 3) Section Number: 2920.18
Emergency Action: Amendment
- 4) Statutory Authority: 820 ICS 405/234, 235, 239, 245, 401, 402, 600, 605, 606, 610, 611, 1300, 1700 and 1701.
- 5) Effective Date of Amendments: August 7, 2001
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Date Filed with the Index Department: August 7, 2001
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Department's principal office in Chicago and is available for public inspection.
- 9) Reason for Emergency: The recent enactment of the federal Economic Growth and Tax Relief Reconciliation Act of 2001 requires that states reduce the amount of voluntary withholding for federal income tax from an individual's unemployment benefits from 15% to 10%. This is a federal conformity issue and implementation must begin after 60 days from the effective date of the Act (June 7, 2001).

- 10) A Complete Description of the Subjects and Issues Involved: The recent enactment of the federal Economic Growth and Tax Relief Reconciliation Act of 2001 requires that states reduce the amount of voluntary withholding for federal income tax from an individual's unemployment benefits from 15% to 10%.

- 11) Are there any other proposed amendments pending on this Part? No
- 12) Statement of Statewide Policy Objective? This emergency amendment neither creates nor expands any State mandates affecting units of local government.

- 13) Information and questions regarding this amendment shall be directed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago IL 60605
312-793-4240

DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF EMERGENCY AMENDMENT

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER 9: INELIGIBILITY FOR BENEFITS

PART 2920

DISQUALIFYING INCOME AND REDUCED BENEFITS

Section

2920.1 Definitions
 2920.5 Ineligibility To Receive Benefits Due To Performing Full-Time Work Or Due To The Receipt Of Various Income Whose Sum Is Equal To Or Greater Than The Individual's Weekly Benefit Amount
 2920.10 Reduction In Benefits Due To Receipt Of Vacation Pay, Holiday Pay, Retirement Pay, And Workers' Compensation Whose Sum Is Less Than The Individual's Weekly Benefit Amount
 2920.15 Reduction In Benefits Due To Receipt Of Wages For Less Than Full-Time Work

2920.18 Voluntary Withholding For Federal Income Tax

EMERGENCY

2920.20 Reduced Benefits: Payment Of Dependents' Allowance Or Spouse's Allowance
 2920.25 Payments Made During Shutdown For Inventory Or Vacation Purposes
 2920.30 Payments Made In Connection With Separation Or Layoff As, Or In The Nature Of Vacation Pay, Vacation Pay Allowance Or As Pay In Lieu Of Vacation

2920.35 Holiday Pay
 2920.40 Payments In Lieu Of Notice Of Separation Or Layoff
 2920.45 Severance Pay

2920.48 Residual Payments
 2920.50 Back Pay Awards
 2920.55 Receipt Of Or Filing For Unemployment Insurance Benefits Under The Laws Of Another State, Canada, Or The United States
 2920.60 Supplemental Unemployment Benefits (SUB Pay)

2920.65 Retirement Pay

2920.66 Payments To An Election Judge

2920.68 Payments By A Labor Union

2920.69 Jury Service

2920.70 Retirement Pay Considered Disqualifying Income

2920.75 Allocation Of Retirement Pay

2920.80 Miscellaneous Forms Of Retirement Pay

2920.85 Conformity With Federal Unemployment Tax Act

AUTHORITY: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 600, 605, 606, 610, 611, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/234, 235, 239, 245, 401, 402, 600, 605, 606, 610, 611, 1700 and 1701].

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

SOURCE: Adopted at 11 Ill. Reg. 1853, effective January 7, 1987; amended at 12 Ill. Reg. 16066, effective September 23, 1988; amended at 13 Ill. Reg. 1773, effective January 27, 1989; amended at 13 Ill. Reg. 5936, effective April 18, 1989; emergency amendments at 13 Ill. Reg. 11899, effective July 1, 1989, for a maximum of 150 days; emergency amendments to 56 Ill. Adm. Code 2920.5 and 2920.75, expired November 28, 1989; amended at 13 Ill. Reg. 17402, effective October 30, 1989; amended at 15 Ill. Reg. 180, effective December 28, 1990; amended at 15 Ill. Reg. 11416, effective July 30, 1991; amended at 18 Ill. Reg. 4166, effective March 3, 1994; amended at 21 Ill. Reg. 567, effective January 1, 1997; emergency amendment at 25 Ill. Reg. 10226, effective August 7, 2001 for a maximum of 150 days.

Section 2920.18 Voluntary Withholding For Federal Income Tax

EMERGENCY

a) Whenever an individual voluntarily elects, pursuant to Section 1300 of the Act [820 ILCS 405/1300], to have monies withheld from his unemployment insurance benefits to cover possible federal income tax liability, the amount of benefits subject to federal income tax withholding is the sum of the individual's weekly benefit amount (WBA), following any of the mandatory deductions from unemployment benefits set forth in subsections (a)(1), (2), and (3), plus any spouse or dependents' allowance payable under the Act. The following are the mandatory deductions:

- 1) disqualifying income, including vacation pay, holiday pay, retirement pay, and workers' compensation, under Section 2920.10;
- 2) wages for less than full time work payable to him with respect to such week which are in excess of 50% of his weekly benefit amount;
- 3) one-fifth of the individual's WBA for each day that the individual was unable or unavailable for work as required by Section 402 of the Act.

b) Whenever an individual has voluntarily elected, pursuant to Section 1300 of the Act, to have monies withheld for federal income tax from his unemployment benefits for a period covered by a benefit check, the Department shall withhold 10% 15% of the amount of benefits that are subject to withholding under subsection (a), rounded (if not already a multiple of one dollar) to the nearest dollar. If the product is equally near 2 multiples of one dollar, it shall be rounded to the higher multiple of one dollar. If the individual's benefits for the period, less amounts subject to recoupment under Section 2835.15 and less any involuntary deductions for delinquent child support pursuant to Section 2815.105, are less than 10% 15% of the amount of benefits subject to withholding under subsection (a), the entire amount of the benefits remaining shall be withheld.

1) Example: The individual's WBA for each of the two weeks covered by the benefit payment is \$251. The individual receives a dependents' allowance of \$81 for each week. The amount of

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

benefits subject to federal income tax withholding for the two week period is the sum of \$332 and \$332, which equals \$664. The Department will deduct for federal income tax withholding 10½% of \$664 which equals \$66.4099-60, which, rounded to the nearest dollar, is \$66.00. Accordingly, the individual will receive \$598.564 in benefits after having \$66.00 deducted for federal income tax withholding.

- 2) Example: The individual's WBA for each of the two weeks covered by the Department's payment of benefits is \$129. The individual receives a dependents' allowance of \$42 for each week. For the first week of the payment period, the individual has \$90 in disqualifying vacation pay, but in the second week the individual does not have any disqualifying vacation pay. The amount of benefits subject to federal income tax withholding for the first week is \$129 less \$90 in vacation pay, which equals \$39 plus his dependents' allowance of \$42, which totals \$81. Because the individual did not receive any disqualifying vacation pay for the second week of the period, the amount of benefits subject to federal income tax withholding attributable to the second week is \$129 plus his dependents' allowance of \$42, which totals \$171.

The amount of benefits subject to federal income tax withholding for the two week period is the sum of \$81 and \$171, which equals \$252. The Department will deduct for federal income tax withholding 10½% of \$252, which equals \$25.2037-00, which, rounded to the nearest dollar, is \$25.00. The individual will receive \$227.00 for the period after having \$25.00 deducted for federal income tax withholding.

- 3) Example: The individual's WBA for each of the two weeks covered by the Department's payment of benefits is \$129. The amount of benefits subject to federal income tax withholding for each week of the two week period is \$129. The amount of benefits subject to federal income tax withholding for the two week period is \$258, the sum of \$129 and \$129. 10½% of \$258 equals \$25.8030-70, which, rounded to the nearest dollar, is \$25.80.

In this example, assume that the individual has elected federal income tax withholding, that the individual is also subject to recoupment for both weeks in an amount up to 25% of his WBA, which amount is \$32.25 for both weeks, and that the individual is subject to a withholding order of \$100 for child support for the first week.

For the first week, the Department will first recoup the entire amount of \$32.25 due for that first week. \$129 minus \$32.25 equals \$96.75. Because the individual does not have sufficient benefits to cover the full amount of child support due for that first week, the Department will deduct \$96.75, the amount of benefits available for that week. The individual's payment for

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

the two week period will not include any benefits with respect to that first week.

For the second week of the payment period, the individual is not subject to a withholding order for child support. Accordingly, the individual is eligible to receive \$96.75 for the second week, the difference between the benefits payable to him for that week (\$129) and the amount recouped (\$32.25). Because the individual has elected federal income tax withholding for the period covered by the payment, the Department will deduct \$26.39 for federal income tax withholding from the individual's benefits and pay the individual the remaining \$70.7557-75.

- 4) Example: Assume the same situation described in subsection (b)(3), except that the individual's withholding for court ordered child support is \$90 for each week. The amount of benefits subject to federal income tax withholding for the two week period remains \$258. 10½% of \$258 equals \$25.8030-70, which, rounded to the nearest dollar, is \$25.80.

The individual has sufficient benefits for the Department to recoup the maximum amount and to deduct for child support in full for both weeks. If the individual had not elected to withhold federal income tax, the individual would have received a check for \$13.50, the sum of \$6.75 and \$6.75 for that two week period. Because the individual has elected federal income tax withholding for this period and the benefits for the period after recoupment and child support are less than 10½% of the amount subject to withholding, the Department will deduct the entire \$13.50 for federal income tax withholding and not pay the individual any benefits for this period.

- c) An individual's election and his revocation of his election to have monies withheld from his benefits for possible federal income tax liability shall be prospective only. Any decision made by the Department as to whether an individual has, under the Act, elected withholding or revoked a withholding election shall constitute a final administrative decision, subject to review under the Administrative Review Law [735 ILCS 5/Art. III].

EXAMPLE: Upon filing an additional claim during his benefit year, an individual elects to have federal income tax withheld from his unemployment benefits. His first benefit check covers the two-week period beginning January 20, 2002, and ending February 2, 2002. His WBA is \$250, and the amount subject to withholding for the period is \$50.75 (10½% of \$500). For each week, he is subject to recoupment of 25% of his WBA and a withholding order of \$100 for child support. Consequently, his benefit check for the two-week period is for \$125.00. When he receives his benefit check, he asks to revoke the election, explaining he thought the income tax withholding would be based on a percentage of his WBA after recoupment and child support. While the Department, if he

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

desires, will revoke his election to withhold with respect to a period that has not yet ended, it will not retroactively revoke his election with respect to January 20 through February 2, 2001. Elections and revocations can only operate prospectively.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. effective August 7, 2001, for a maximum of 150 days)

10226 -

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Fees for Analytical Testing of Community Drinking Water Supply Samples for Radionuclides
- 2) Code Citation: 32 Ill. Adm. Code 336
- 3)

<u>Section Number:</u>	<u>Emergency Action:</u>
336.10	New Section
336.20	New Section
336.30	New Section
336.40	New Section
336.50	New Section
336.60	New Section
336.70	New Section
336.80	New Section
- 4) Statutory Authority: Implementing and authorized by Section 2005/2005-40 (P.A. 92-0036) of the Department of Nuclear Safety Law [20 ILCS 2005/2005-40].
- 5) Effective Date of Rules: August 1, 2001
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire when the proposed rule is adopted.
- 7) Date Filed with the Index Department: July 27, 2001
- 8) A copy of this adopted emergency rule, including any material incorporated by reference, is on file at the Department's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Reason for the Emergency: The Department of Nuclear Safety is dependent upon fees from licensees, registrants and program participants to provide adequate funds for staffing and operational costs. Pursuant to P.A. 92-0036, effective June 28, 2001, the Department received authority to begin charging fees for analytical testing of community drinking water supply samples for radionuclides. Community water supplies that choose to continue to participate in the Department's analytical testing program in order to comply with federal drinking water testing requirements will now be required to pay a reasonable fee for the testing services provided by the Department. Previously, the Department provided testing services at no charge and the funds to run the testing program were taken from other fees paid to the Department which will now no longer be available. Without adequate funding from entities receiving testing services from the Department, the Department cannot maintain the staffing and resource levels necessary for the Department's certified laboratory facilities nor continue to meet the USEPA/IEPA timeframes for testing water samples.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY RULES

Therefore, the Department has determined that a threat to the public interest, safety or welfare exists necessitating the promulgation of this emergency rule.

- 10) A Complete Description of the Subjects and Issues Involved: The Department is adopting this emergency rule to establish procedures for requesting the Department to perform analytical services for community drinking water supply samples to determine the contaminant levels, if any, of radionuclides in the drinking water. This rule will also set the reasonable fees that the Department will charge for providing the analytical services.

The Department's action should not be understood as a desire to limit or preclude public comment. Elsewhere in this issue of the *Illinois Register*, the Department is proposing, for public comment, a general rulemaking that covers the topics and text included in the emergency rule.

- 11) Are there any proposed amendments to this Part pending: No

- 12) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues, except that local governments that want the Department to test their water supplies will be required to expend money.

- 13) Information and questions regarding this rule shall be directed to:

Robert B. Holtsclaw
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

The full text of the Emergency Rule begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY RULES

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 336
FEES FOR ANALYTICAL TESTING OF COMMUNITY
DRINKING WATER SUPPLY SAMPLES FOR RADIONUCLIDES

Section	Purpose and Scope
336.10 EMERGENCY	
336.20 EMERGENCY	Incorporation by Reference
336.30 EMERGENCY	Definitions
336.40 EMERGENCY	Procedures for Requesting Testing Services and Payment of Fee
336.50 EMERGENCY	Community Water Supply Testing Categories
336.60 EMERGENCY	New Sampling Points for Existing Community Water Supplies
336.70 EMERGENCY	Testing Fees
336.80 EMERGENCY	Conditions

AUTHORITY: Implementing and authorized by Section 2005/2005-40 (P.A. 92-0036) of the Department of Nuclear Safety Law [20 ILCS 2005/2005-40].

SOURCE: Adopted by emergency rule at 25 Ill. Reg. 10233, effective August 1, 2001, for a maximum of 150 days.

Section 336.10 Purpose and Scope
EMERGENCY

- a) Under the provisions of the 2001 amendments to the Nuclear Safety Law, the Department of Nuclear Safety (Department) is authorized to analyze community drinking water samples for radionuclides and is authorized to assess a reasonable fee for such services. The Department's laboratory is certified by the U. S. Environmental Protection Agency (USEPA) to conduct such analyses for compliance with the Safe Drinking Water Act (42 U.S.C. 300f, et seq. (1974)). This Part sets forth the procedure for requesting analytical services and the fees that the Department charges for providing analytical services.
- b) Participation in the Department's testing program is open to Illinois community water supplies for those samples required for compliance

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

with Illinois Pollution Control Board drinking water regulations (35 Ill. Adm. Code Subtitle F). The fee schedule found in Section 336.70 of this Part is effective from August 1, 2001 to December 31, 2003. In December 2003, new USDEPA testing requirements will go into effect thus requiring a new fee schedule.

Section 336.20 Incorporations by Reference EMERGENCY

All rules, standards and guidelines of agencies of the State of Illinois, United States, or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

Section 336.30 Definitions EMERGENCY

- a) "Community water supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. [415 ILCS 5/3.05]
- b) "New community water supply" means a community water supply that begins operation on or after August 1, 2001.
- c) "New sampling point" means a sampling point that was not in existence or in use at the time a community water supply committed to participate in the Department's testing program.
- d) "Properly certified operator" means an operator certified in accordance with the Public Water Supply Operations Act (415 ILCS 45).
- e) "Sampling point" refers to either a point in the distribution system or a finished water entry point where drinking water samples are collected.

Section 336.40 Procedures for Requesting Testing Services and Payment of Fee EMERGENCY

- a) The Department shall send all community water supplies a notice indicating the testing category for which they qualify and the fee that would apply for the period from August 1, 2001 to December 31, 2003 (testing fee period).
- b) New community water supplies that commit to participate in the Department's testing program will automatically be assigned to Category B and shall pay the fee specified in Section 336.70 of this Part.
- c) A community water supply that chooses to participate in the Department's testing program must commit in writing to participate in the program for the entire testing fee period. A new community water supply that chooses to participate in the Department's testing program

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

must commit in writing to participate in the program for whatever portion of the testing fee period that remains when the commitment is made.

- d) A community water supply that commits to participate must sign the prescribed commitment form provided and return it to the Department at least 30 days prior to the date that a test needs to be conducted.
- e) A community water supply that commits to participate in the Department's testing program and returns the signed form to the Department shall be billed the appropriate fee by the Department. Except as described in subsection (f) of this Section, the Department will not perform any tests on samples submitted until the fee is paid.
- f) Category C and D community water supplies, as defined in Section 336.50 of this Part, shall pay the appropriate testing fee in two equal installments. The first installment shall be due before the Department performs any tests on samples submitted to the Department after August 1, 2001. The second installment shall be due on or before August 1, 2002.

Section 336.50 Community Water Supply Testing Categories EMERGENCY

For the purposes of this rule, the following testing categories shall be assigned to community water supplies based on drinking water testing results processed by the Department before August 1, 2001. The "most recent gross alpha result" is defined as follows: For community water supplies that have collected samples quarterly for radiological analyses, it is the arithmetic mean (average) of the values from last four completed analyses for gross alpha. For community water supplies that have collected samples for radiological analyses once every four years, it is the value from the last completed analysis for gross alpha.

- a) Category A - Most recent gross alpha result less than or equal to 5 pCi/L.
- b) Category B - Most recent gross alpha result greater than 5 pCi/L and less than or equal to 15 pCi/L, new community water supplies, or community water supplies that add one or more new sampling points.
- c) Category C - Most recent sum of radium-226 plus radium-228 is greater than 5 pCi/L and gross alpha is less than or equal to 15 pCi/L, or the public water supply is currently performing quarterly radium monitoring due to a radium violation in the past.
- d) Category D - Most recent gross alpha result is greater than 15 pCi/L.

Section 336.60 New Sampling Points for Existing Community Water Supplies EMERGENCY

- a) Except as described in subsection (b) of this Section, a community water supply that adds one or more new sampling points after committing to participate in the Department's testing program shall

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

pay the required fee for the new sampling points as described in Section 336.70 of this Part. The required fee must be paid before the Department will test samples for a new sampling point.

- b) A community water supply that is classified as a Category A community water supply pursuant to Section 336.50 of this Part that adds a new sampling point after committing to participate in the Department's testing program and paying the required fee shall thereafter be classified as a Category B community water supply only for each new sampling point and shall pay the required fee for each new Category B sampling point as specified in Section 336.70(c) of this Part.

Section 336.70 Testing Fees
EMERGENCY

- a) Community water supplies that choose to participate in the Department's testing program shall pay a single fee per sampling point to cover testing costs for the period from August 1, 2001 through December 31, 2003.

- b) Fees shall be assessed as follows:

Category	Fee per Sampling Point
A	\$ 200
B	\$ 700
C	\$1250
D	\$1675

- c) A Category A community water supply that adds one or more new sampling point shall pay a \$700 testing fee for each new sampling point. If a Category B, C, or D community water supply adds a new sampling point, the fee assessed shall be the same fee as for existing sampling points.

AGENCY NOTE: Pursuant to federal and state requirements, a Category A community water supply that adds a new sampling point is required to have more frequent testing performed on more constituents on each new sampling point and thus the new sampling point is classified as a Category B sampling point. This increased testing requirement for each new sampling point necessitates an increase in the fee charged for the new sampling point.

- d) The Department will provide all required sample containers and analyze all samples required for compliance with federal radiological drinking water testing requirements over the fee period.

Section 336.80 Conditions
EMERGENCY

Water samples must be collected by employees or agents of a community water supply under the direction of a properly certified operator. Samples submitted shall be in the Department's supplied container. Samples not submitted in

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

accordance with the Department's supplied instructions will not be tested, and resampling will be required. Upon completion of analytical work, the Department will send the results directly to the IEPA thereby fulfilling the reporting requirement of a participating community water supply. The Department will also send a copy of the results to the community water supply.

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY REPEALER

1) Heading of the Part: Emission Inspection Training and Certification

2) Code Citation: 20 Ill. Adm. Code 1293

3) Section Numbers: Emergency Action:

1293.10 Repeal

1293.20 Repeal

1293.30 Repeal

4) Statutory Authority: Implementing and authorized by Section 13-109.1 of the Illinois Vehicle Code [625 ILCS 5/13-109.1] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

5) Effective Date of Repealer: July 30, 2001

6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency repealer will not expire before the end of the 150-day period.

7) Date Filed with the Index Department: July 30, 2001

8) A copy of the emergency repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: At its meeting on April 17, 2001, the Joint Committee on Administrative Rules objected to the emergency status of emergency rules entitled Emission Inspection Training and Certification published in the March 16, 2001, Illinois Register. The Department of State Police, in response to the Committee's objection, has agreed to repeal those emergency rules. Non-emergency rules addressing the same subject matter have proceeded through the regular process without objection and were formally adopted on July 6, 2001.

10) A Complete Description of the Subjects and Issues Involved: This rulemaking repeals emergency rules that had established procedures for the training and certification of persons who conduct diesel emission inspections.

11) Are there any proposed amendments to this Part Pending? No

12) Statement of Statewide Policy Objectives: These rules will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

13) Information and questions regarding these repealers shall be directed to:

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY REPEALER

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658
Fax: 217/524-5743

The full text of the emergency repealer begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY REPEALER

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1293

EMISSION INSPECTION TRAINING AND CERTIFICATION (REPEALED)

Section

1293.10 Purpose

EMERGENCY

1293.20 Definitions

EMERGENCY

1293.30 Procedures

EMERGENCY

AUTHORITY: Implementing and authorized by Section 13-109.1 of the Illinois Vehicle Code [625 ILCS 5/13-109.1] and authorized by Section 555a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 4045, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; repealed by emergency rulemaking at 25 Ill. Reg. 10240, effective July 25, 2001, for a maximum of 150 days.

Section 1293.10 Purpose

EMERGENCY

The purpose of this Part is to establish procedures for the training and certification of Illinois State Police Officers who conduct diesel emission inspections pursuant to the Act.

Section 1293.20 Definitions

EMERGENCY

"Act" means to Chapters 13, 13A and 13B of the Illinois Vehicle Code [625 ILCS 5/Ch. 13, 13A and 13B], which pertain to diesel emission inspections.

"Certification" means the authorization of an individual by the Director of State Police or designee as a person qualified to perform diesel emission inspections as provided by the Act.

"Training" means instruction provided by the Illinois Department of State Police in the legal, practical, and technical aspects of diesel emission inspection.

Section 1293.30 Procedures

EMERGENCY

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY REPEALER

- a) Certification will occur upon completion of training and successful passage of a written examination.
- b) Training shall be not less than six hours in duration and shall include both classroom and practical components.
- c) Certification expires after two years from the date of certification.
- d) Re-certification may occur any time within one year before or after the expiration of certification.
- e) Re-certification training will consist of a refresher course of not less than four hours in duration and successful passage of a written examination.
- f) Re-certification provides the same authorization as certification.
- g) The Director of State Police or designee shall schedule training and select trainees on the basis of need, qualifications, and available resources.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYNOTICE OF PUBLICATION ERROR

DEPARTMENT OF PUBLIC AID

Heading of the Part: Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

Code Citation: 89 Ill. Adm. Code 149

Section Number: 149.75

Date Proposed Amendment Published in the Illinois Register: March 23, 2001, 25 Ill. Reg. 4116

Date Adopted Amendment Published in the Illinois Register: July 13, 2001, 25 Ill. Reg. 8775

The rulemaking cited above, effective July 1, 2001, eliminates coding attestation requirements that were previously a condition for inpatient service payments under the DRG Prospective Payment System. Although the rule text submitted by the Department of Public Aid for both *Illinois Register* publication and filing with the Secretary of State specified that this requirement would end on July 1, 2001, the date June 1, 2001 was published in the *Illinois Register* in Section 149.75(d)(1) by mistake. The Joint Committee regrets any confusion this printing error may have caused.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYNOTICE OF PUBLICATION ERROR

DEPARTMENT OF PUBLIC AID

Heading of the Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Number: 140.642

Date Proposed Amendment Published in the Illinois Register: March 2, 2001, 25 Ill. Reg. 3190

Date Adopted Amendment Published in the Illinois Register: July 13, 2001, 25 Ill. Reg. 8793

The rulemaking cited above concerns screening assessments and nursing facility placements for Medicaid supported persons. The text of the adopted amendments was published with 2 additions attempting to clarify through JCAR Agreement that the screening referred to in the opening subsection is the same screening referred to later in the Section by the term "preadmission screening assessment". These additions were not included in the text submitted by the Department of Public Aid. Although DPA and JCAR discussed clarifying revisions to the text of this subsection, it was subsequently decided that the proposed clarification may not be sufficiently descriptive and that DPA would study the patient screening process further and make the clarifying text revisions in a future proposed rulemaking. The Joint Committee failed to reflect this subsequent Agreement by removing the proposed language and regrets any confusion this printing error may have caused. The corrected text for Section 140.642 is reprinted following this notice showing, in bold type, the 2 relevant phrases that are **not** part of the text of the adopted rule.

Section 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services

- a) Beginning July 1, 1996, any individual, except those identified in subsection (c) of this Section, seeking admission to a nursing facility licensed under the Nursing Home Care Act [210 ILCS 45] for nursing facility services must be screened {removing: **PRIOR TO ADMISSION**} to determine his or her need for those services pursuant to this Section. Any individual, except those identified in subsection (c) of this Section, who is seeking admission to a nursing facility that operates under the Hospital Licensing Act [210 ILCS 85] must be screened {removing: **PRIOR TO ADMISSION**} to determine his or her need for those services except when Medicaid funds will not be used for nursing facility services for any part of the stay. For the purposes of this Section, "nursing facility" or "facility" means a location licensed under the Nursing Home Care Act or the Hospital Licensing Act as a skilled nursing facility or an intermediate care facility.

b) Screening Assessment

- 1) The Level I ID Screen is the first phase of the preadmission screening process for nursing facility services described in subsection (a) of this Section. The Level I ID Screen is conducted to determine if there is a reasonable basis for suspecting that an individual has developmental disabilities (DD), as defined in subsection (b)(1)(A) of this Section, or severe mental illness (MI), as defined in subsection (b)(1)(B) of this Section. This determination is required to assure that individuals with DD or severe MI are placed into settings which provide the services they require. Entities authorized to complete the Level I ID Screen are agents of DPA, Department of Human Services (DHS), Department on Aging (DOA), Department of Public Health (DPH), hospitals or nursing facilities.

A) A developmental disability is a disability that is attributable to a diagnosis of mental retardation (mild, moderate, severe, profound, unspecified), or a related condition. A related condition means the individual has been diagnosed as having infantile autism, infantile cerebral palsy or epilepsy, and this condition is manifested before the age of 22; is likely to continue indefinitely; and results in substantial functional limitations in three or more of the following areas of major life activity:

- i) self-care;
- ii) understanding and use of language;
- iii) learning;
- iv) mobility;
- v) self-direction;
- vi) capacity for independent living.

- B) An individual is considered to have a severe mental illness if he or she has one of the following diagnoses: schizophrenia; delusional disorder; schizoaffective disorder; psychotic disorder not otherwise specified; bipolar disorder I - mixed, manic, and depressed; bipolar

disorder II; cyclothymic disorder; bipolar disorder not otherwise specified; major depression, recurrent; and due to their mental illness exhibits resulting substantial functional limitations in at least two of the following areas:

- i) self-maintenance;
- ii) social functioning;
- iii) community living activities;
- iv) work related skills.

- 2) If the Level I ID Screen indicates that an individual may have DD or severe MI, a comprehensive assessment, the Level II assessment, except as defined in subsection (b)(7) of this Section, is conducted by preadmission screening (PAS) agents designated by DHS-Office of Developmental Disabilities or DHS-Office of Mental Health, whichever is applicable, concerning the need for nursing facility services and the need for specialized services.

- 3) If the Level I ID Screen does not identify a reasonable basis for suspecting DD or severe MI, the individual is referred to DOA (individuals 60 years of age or older) or DHS - Office of Rehabilitation Services (individuals 18 through 59 years of age) for a Determination of Need to assess the need for nursing facility services.

- 4) For applicants of Medicaid services who are already residing in the facility and were admitted after June 30, 1996, the Department will review and evaluate a copy of the most recent Minimum Data Set (MDS) resident assessment instrument. The Department will refer to DOA or DHS, as appropriate, any light need resident who appears to be a potential candidate for community placement.

- 5) A screening assessment is valid for 90 calendar days from the date of the assessment. For individuals with DD or severe MI, an existing Level II assessment may remain valid after 90 calendar days when the designated PAS agent updates any component of the assessment which is not current, and confirms the validity of the assessment as reliably reflecting the status of the individual.

- 6) Due to exceptional circumstances, an individual identified as having DD or MI, following a Level I ID Screen, may be determined to need nursing facility services. The individual with exceptional circumstances must then receive a Level II assessment to determine the individual's need for specialized services related to placement in a nursing facility, except in the specific circumstances noted in subsection (b)(7) of this Section. Exceptional circumstances include, but are not limited to:

- A) terminal illness with a life expectancy of six months or less; and
- B) convalescent care (a medically prescribed period of recovery, following acute care, not to exceed 120 calendar days); and
- C) severe physical illnesses, such as coma, ventilator

dependence, functioning at brain stem level or diagnoses such as chronic obstructive pulmonary disease, Parkinson's disease, Huntington's disease, amyotrophic lateral sclerosis, and congestive heart failure; and

D) a diagnosis of dementia, including Alzheimer's disease or a related disorder, in the case of the individual with DD.

7) Level II assessment exemption. Some individuals with DD or severe MI may be admitted to a nursing facility without receiving a Level II assessment to determine the need for specialized services by a designated PAS agent. Individuals exempt from a Level II assessment for specialized services are provisional admissions pending further assessment in cases of delirium where an accurate diagnosis cannot be made until the delirium clears. In all other cases, a determination that specialized services are not needed must be based on a Level II assessment.

8) Screening agents shall present alternatives to institutional placement, and inform individuals of alternative settings before placement into a nursing facility.

9) Non-Medicaid supported individuals who choose to be admitted into a nursing facility when the screening assessment does not justify nursing facility placement will not be denied access to the facility.

c) A screening assessment does not apply to an individual who:

1) is receiving or will be receiving sheltered care services; or
2) transfers from one facility to another, with or without an intervening hospital stay. It is the transferring facility's responsibility to ensure that copies of the resident's most recent screening assessment accompany the transferring resident; or

3) resided in a facility for a period of at least 60 days and is returning to a facility after an absence of not more than 60 days; or

4) is receiving or will be receiving hospice services; or

5) is readmitted to a facility after a therapeutic home visit; or
6) is readmitted to a facility from a hospital to which he or she was transferred for the purpose of receiving care; or

7) resided in the facility on June 30, 1996.

d) Nursing Facility Services

In Illinois, nursing facilities are licensed for intermediate level nursing care and skilled level nursing care. For guidelines to the type of services provided by nursing facilities refer to 77 Ill. Adm. Code 300. Appendix A.

e) Date of Payment

1) No payment for nursing facility services may be made for individuals who:

A) have been determined eligible or have applied for Medicaid at the point of admission, unless both the screening assessment and a physician's certification, as described in Section 140.514, document a need for such care; or

B) apply for Medicaid while residing in the facility, unless a physician's certification documents a need for such care.

2) The date of the physician certification will not be used to determine the begin date of payment; however, the physician certification shall be completed before Medicaid payment is authorized. The begin date of payment will be determined in accordance with subsection (e)(4), (5) or (6) of this Section, whichever is applicable.

3) Where the assessment does not establish this need, the individual may request that a licensed physician designated by DPA review the medical reports and any other evidence the individual wishes to submit, and certify whether there is a need for nursing facility services in the individual's case. The individual will be notified of the right to this review.

4) For an individual whose preadmission screening assessment has been completed prior to admission, DPA will begin payment:

A) on the date of admission if Medicaid eligibility has been established, or

B) on the beginning date of Medicaid eligibility if eligibility starts after the date of admission.

5) For an individual whose preadmission screening assessment has not been completed prior to admission, DPA will begin payment on the later of:

A) the date that the screening assessment requirement is met, or

B) the effective date of Medicaid eligibility.

6) For an individual who applies for Medicaid after admission to a facility, DPA will begin payment on the effective date of Medicaid eligibility.

(Source: Amended at 25 Ill. Reg. 8793, effective July 1, 2001)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF EMERGENCY SUSPENSION UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(c) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(c) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has suspended for 180 days the license of Chicago Financial Management, of Maywood, Illinois, License No. 5317, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective July 30, 2001.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the settlement of In re: Townsend Concrete/Trucking, IDOL File Nos. 01-PW-TG06-0582, 0583, 0585 and 0598, the Director of the Department of Labor gives notice that Shane Townsend, owner of Townsend Concrete, and any other officer, partner, shareholder or title holder of Townsend Concrete/Trucking, currently located at 526 Hillside Lane, Stockton, Illinois 61085, are prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2000), commencing August 1, 2001 and continuing through July 31, 2002.

Copies of the Prevailing Wage Act are available on the internet at <<http://www.legis.state.il.us/ilcs/ch820/act130.htm>>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

SECRETARY OF STATE

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JULY 2002 REGULATORY AGENDA

JULY 2002 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Procedures and Standards; 92 Ill. Adm. Code 1001

1) Rulemaking:A) Description:

A general revision of the above-referenced rules was completed late last year. There are, however, a couple of corrections and adjustments which should be made to this rulemaking which were not caught during our final review of the revisions. These revisions would be made in Parts A through D (Sections 1001.10, .200, .300 and .400, et seq.)

A revision of our rule on the cancellation of driving privileges. Recently, a judge of the circuit court of Sangamon County ruled that we could not cancel a person's driving privileges without providing a hearing to challenge the cancellation prior to the cancellation. Our revision would clarify/specify under what circumstances we would cancel prior to a hearing and when we would allow a driver to show cause, prior to a cancellation, why his/her driving privileges should not be cancelled. These revisions would be made in Part D (Section 1001.400 et seq.)

A revision of the rule on Breath Alcohol Ignition Interlock Devices, which will make the program permanent and expand the class of petitioner who must participate in the program in order to be issued a restricted driving permit. Also, HB 2265, which awaits the Governor's signature, requires a monthly user's fee of \$20.00 of each BAID petitioner. The details of this fee would be implemented immediately by an emergency rule, followed by the regular rulemaking either this or during the next fiscal year. These revisions would be made in Part D (Section 1001.441.)

Finally, our proposal to allow the Secretary of State to charge a filing fee in petitions for driving relief has passed the General Assembly (HB 2265). This legislation requires that the details be implemented by a rulemaking. Therefore, if this bill becomes law, we would submit a rule to implement it immediately by emergency rule, followed by the regular rulemaking either this or the next fiscal year. This rulemaking would be made in Parts A (Section 1001.10 et seq.) and B (Section 1001.200 et seq.)

- B) Statutory Authority: 625 ILCS 5/2-104

- C) Scheduled Meeting/Hearing Dates: Unknown

- D) Date the Agency Anticipates First Notice: It is anticipated that

some of these revisions will be submitted by the end of the legislative veto session in the fall of 2001 by an emergency rule, followed by the regular rulemaking either this or the next fiscal year.

- E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: The impact on small business would be beneficial, due to the expansion of the class of petitioners who would have to participate in the interlock program. There would not be any impact on small business, small municipalities, and not for profit corporations from the other rulemakings.

- F) Agency Contact Person for Information:

Marc Christopher Loro, Legal Advisor
Howlett Building, Room 200
Springfield, Illinois 62756
217/785-8245
Fax 217/782-2192
mloro@40ilsos.net

- G) Related Rulemaking and Other Pertinent Information: None

- b) Part(s) (Heading and Code Citation): Certificates of Title, Registration of Vehicles, 92 Ill. Adm. Code 1010

1) Rulemaking:

- A) Description: Amend existing rules or create new rules to accommodate technical or procedural changes in anticipation of or because of new legislation.

- B) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5/2-104 (b)]

- C) Schedule Meeting/Hearing Dates: None

- D) Date Agency Anticipates First Notice: Unknown

- E) Affect on Small Business, Small Municipalities or Not For Profit Corporations: None

- F) Agency Contact Person for Information:

Don Kerber
Legislative Liaison
Office of the Illinois Secretary of State

SECRETARY OF STATE

JULY 2002 REGULATORY AGENDA

Howlett Building, Room 312
Springfield IL 62756
217/785-3000

G) Related Rulemaking and Other Pertinent Information: Nonec) Part(s) (Heading and Code Citation): Remittance Agents, 92 Ill. Adm. Code 10191) Rulemaking:

A) Description: Amend existing rules or create new rules to accommodate technical or procedural changes in anticipation of or because of new legislation.

B) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5/2-104 (b)]

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: Unknown

E) Affect on Small Business, Small Municipalities or Not For Profit Corporations: None

F) Agency Contact Person for Information:

Don Kerber
Legislative Liaison
Office of the Illinois Secretary of State
Howlett Building, Room 312
Springfield IL 62756
217/785-3000

G) Related Rulemaking and Other Pertinent Information: Noned) Part(s) (Heading and Code Citation): Dealers, Wreckers, Transporters and Rebuilders, 92 Ill. Adm. Code 10201) Rulemaking:

A) Description: Amend existing rules or create new rules to accommodate technical or procedural changes in anticipation of or because of new legislation.

B) Statutory Authority: Implementing and authorized by the Illinois

SECRETARY OF STATE

JULY 2002 REGULATORY AGENDA

Vehicle Code [625 ILCS 5/2-104 (b)]

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: Unknown

E) Affect on Small Business, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

Don Kerber
Legislative Liaison
Office of the Illinois Secretary of State
Howlett Building, Room 312
Springfield IL 62756
217/785-3000

G) Related Rulemaking and Other Pertinent Information: None

e) Part(s) (Heading and Code Citation): Rules of the Road -- Handicapped Parking, 92 Ill. Adm. Code 11001) Rulemaking:

A) Description: Amend existing rules or create new rules to accommodate technical or procedural changes in anticipation of or because of new legislation.

B) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5/2-104 (b)]

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: Unknown

E) Affect on Small Business, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

Don Kerber
Legislative Liaison
Office of the Illinois Secretary of State
Howlett Building, Room 312
Springfield IL 62756
217/785-3000

SECRETARY OF STATE

JULY 2002 REGULATORY AGENDA

G) Related Rulemaking and Other Pertinent Information: None

f) Part(s) Heading and Code Citation: Illinois State Library, Acquisitions Division, 80 Ill. Admin. Code 420.300 Application and Examination

1) Rulemaking: Amendments

A) Description: Amendments to the rules regarding depository libraries will include a definition of electronic materials and publications; and take into account the efficient delivery of State documents and publications in a digital environment.

B) Statutory Authority: State Library Act (15 ILCS 320)

C) Scheduled Meeting/Hearing Dates: Interested parties involved with the Illinois Documents Depository Program will be consulted in the drafting of the revised amendments prior to the proposed rules be submitted for publication.

D) Date the agency Anticipates First Notice: December 2001

E) Impact on Small Business, Small Municipalities or Not for Profit Corporations: Easier access to State documents should benefit Small Business, Municipalities and Not For Profit.

F) Agency Contact Person for Information:

Joseph A. Natale
Rules Coordinator
Illinois State Library
300 South Second
Springfield IL 62701-1796
jnatale@ilsos.net

G) Related Rulemaking and Other Pertinent Information: None

g) Part(s) (Heading and Code Citation): Illinois Business Brokers Act of 1995, 14 Ill. Adm. Code 140

1) Rulemaking:

A) Description: Amend and draft rules generally to conform regulations to legislative enactments and federal laws and regulations as necessary.

B) Statutory Authority: Illinois Business Broker Act (815 ILCS

SECRETARY OF STATE

JULY 2002 REGULATORY AGENDA

307/10-1)

C) Scheduled Meeting/Hearing Dates: None

D) Date the agency anticipates First Notice: Unknown

E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: Unknown

F) Agency Contact Person for Information:

Tanya Solov, Director
IL Securities Dept.
69 W. Washington St.
Suite 1220
Chicago IL 60602
312/793-3384
Vickie Moseley
IL Securities Dept.
Lincoln Tower, Suite 200
520 S. Second St.
Springfield IL 62701
217/782-2256

G) Related rulemaking and other pertinent information: None

h) Part(s) (Heading and Code Citation): Illinois Securities Law of 1953, 14 Ill. Adm. Code 130

1) Rulemaking:

A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative enactments. Update and draft rules to implement North American Securities Administrators Association (NASAA) model rules for the sale of securities outside traditional securities venues. Amend rules to conform with federal legislative enactments.

B) Statutory Authority: Illinois Securities Law of 1953 (815 ILCS 5/1)

C) Schedule Meeting/Hearing Dates: None

D) Date the agency anticipates First Notice: Unknown

E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: Unknown

F) Agency Contact Person for Information:

Tanya Solov, Director
IL Securities Dept.
69 W. Washington St.
Vickie Moseley
IL Securities Dept.
Lincoln Tower, Suite 200

SECRETARY OF STATE

JULY 2002 REGULATORY AGENDA

Suite 1220
Chicago IL 60602
312/793-3384

520 S. Second Street
Springfield IL 62701
217/782-2256

G) Related Rulemaking and Other Pertinent Information: Nonei) Part(s) (Heading and Code Citation): Illinois Business Opportunities Sales Law of 1995, 14 Ill. Adm. Code 1351) Rulemaking:A) Description: Amend and draft rules generally to conform regulations to legislative enactments and federal laws and regulations as necessary.B) Statutory Authority: Illinois Business Opportunities Sales Law of 1995 (815 ILCS 602/5-1)C) Scheduled Meeting/Hearing Dates: NoneD) Date the Agency Anticipates First Notice: UnknownE) Impact on Small Businesses, Small Municipalities or Not For Profit Corporations: UnknownF) Agency Contact Person for Information:

Tanya Solov, Director
IL Securities Dept.
69 W. Washington St.
Suite 122
Chicago IL 60602
312/793-3384

Wickie Moseley
IL Securities Dept.
Lincoln Tower, Suite 200
520 S. Second Street
Springfield IL 62701
217/782-2256

G) Related Rulemaking and Other Pertinent Information: Nonej) Part(s) (Heading and Code Citation): Illinois Loan Brokers Act of 1995, 14 Ill. Adm. Code 1451) Rulemaking:A) Description of Rule(s): Amend and draft rules generally to conform regulations to legislative changes and federal laws and regulations as necessary.B) Statutory Authority: Illinois Loan Brokers Act of 1995 (815 ILCS 175/15-1)

SECRETARY OF STATE

JULY 2002 REGULATORY AGENDA

C) Scheduled Meeting/Hearing Dates: NoneD) Date the Agency Anticipates First Notice: UnknownE) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: UnknownF) Agency Contact Person for Information:

Tanya Solov, Director
IL Securities Dept.
69 W. Washington St.
Suite 1220
Chicago IL 60602
312/793-3384

Vickie Moseley
IL Securities Dept.
Lincoln Tower, Suite 200
520 S. Second Street
Springfield IL 62701
217/782-2256

G) Related Rulemaking and Other Pertinent Information: Nonek) Part(s) (Hearing and Code Citation): School Bus Driver Permit, 92 Ill. Adm. Code 10351) Rulemaking:A) Description: Will be amending the above referenced Part to implement any legislative changes recently enacted by the General assembly and passed into law.B) Statutory Authority: Implementing the Secretary of State's authority to enact legislation affecting Chapter 6 of the Illinois Vehicle Code.C) Scheduled Meeting/Hearing Dates: Not at this timeD) Date the Agency Anticipates First Notice: August 2001E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: This proposed rulemaking may have an affect on small business; therefore, we will provide a copy of the rule to DCCA for review.F) Agency Contact Person for Information:

Robert W. Mueller
Assistant General Counsel
2701 South Dirksen Parkway
Springfield IL 62723
217/782-5356

SECRETARY OF STATE

JULY 2002 REGULATORY AGENDA

Fax 217/785-1385

G) Related Rulemaking and Other Pertinent Information: None

- 1) Part(s) (Heading and Code Citation): Issuance of Licenses, 92 Ill. Adm. Code 1030

1) Rulemaking:

- A) Description: Will be amending the above referenced Part to implement any legislative changes enacted by the General Assembly and passed into law.

- B) Statutory Authority: Implementing the Secretary of State's authority to enact legislation affecting Chapter 6 of the Illinois Vehicle Code.

- C) Scheduled Meeting/Hearing Dates: Not at this time

- D) Date the Agency Anticipates First Notice: September 2001

- E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: This proposed rulemaking may have an affect on small business; therefore, we will provide a copy of the rule to DCCA for review.

F) Agency Contact Person for Information:

Robert W. Mueller
Assistant General Counsel
2701 South Dirksen Parkway
Springfield IL 62723
217/782-5356
Fax 217/785-1385

- G) Related Rulemaking and Other Pertinent Information: None

- m) Part(s) (Heading and Code Citation): Cancellation, Revocation or suspension of Licenses or Permits, 92 Ill. Admin. Code 1040

1) Rulemaking:

- A) Description: Will be amending the above referenced Part to implement any legislative changes enacted by the General Assembly and passed into law.

SECRETARY OF STATE

JULY 2002 REGULATORY AGENDA

- B) Statutory Authority: Implementing the Secretary of State's authority to enact legislation affecting Chapter 6 of the Illinois Vehicle Code.

- C) Scheduled Meeting/Hearing Dates: Not at this time

- D) Date the Agency Anticipates First Notice: September 2001

- E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: This proposed rulemaking will have no affect on small business; therefore, we have not provided a copy of the rule to DCCA for review.

F) Agency Contact Person for Information:

Robert W. Mueller
Assistant General Counsel
2701 South Dirksen Parkway
Springfield IL 62723
217/781-5356
Fax 217/785-1385

- G) Related Rulemaking and Other Pertinent Information: None

- n) Part(s) (Hearing and Code Citation): Issuance of Licenses, 92 Ill. Adm. Code 1030

1) Rulemaking:

- A) Description: Will be amending Title 92 Ill. Adm. Code, Chapter II, Part 1030 to provide rules for the confidentiality of captured images and signatures and their distribution under Public Act 90-191.

- B) Statutory Authority: Implementing the Secretary of State's authority to issue regulations concerning the confidentiality of captured images and signatures and their distribution under Public Act 90-191.

- C) Scheduled Meeting/Hearing Dates: Not at this time

- D) Date the Agency Anticipates First Notice: September 2001

- E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: This proposed rulemaking will have no affect on small business; therefore, we have not provided a copy of the rule to DCCA for review.

SECRETARY OF STATE

JULY 2002 REGULATORY AGENDA

F) Agency Contact Person for Information:

Robert W. Mueller
 Assistant General Counsel
 2701 South Dirksen Parkway
 Springfield IL 62723
 217/782-5356
 Fax 217/785-1385

G) Related Rulemaking and Other Pertinent Information: Noneo) Part(s) (Heading and Code Citation): Sale of Information, 92 Ill. Adm. Code 10021) Rulemaking:

A) Description: Will be amending Title 92 Ill. Adm. Code, Chapter II, Part 1002 to comply with Public Act 92-0032.

B) Statutory Authority: Public Act 92-0032

C) Scheduled Meeting/Hearing Dates: Not at this time

D) Date the Agency Anticipates First Notice: August 2001

E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: This proposed rulemaking may have a minor impact on small business; therefore, we have not provided a copy of the rule to DCCA for review.

F) Agency Contact Person for Information:

Robert W. Mueller
 Assistant General Counsel
 2701 South Dirksen Parkway
 Springfield IL 62723
 217/782-5356
 Fax 217/785-1385

G) Related Rulemaking and Other Pertinent Information: Nonep) Part(s) (Heading and Code Citation): Public Use of the Capitol Complex, 71 Ill. Adm. Code 20051) Rulemaking:

Helen Conlee
 Department of Business Services
 Howlett Building, Room 330

SECRETARY OF STATE

JULY 2002 REGULATORY AGENDA

A) Description: Technical changes to Part 2005; changes in the standards for use of the Capitol.

B) Statutory Authority: 15 ILCS 305/5

C) Scheduled Meeting/Hearing Dates: None

D) Date the Agency Anticipates First Notice: September 2001

E) Impact on Small Business, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

Capt. Larry Schmidt
 322 East Adams
 Springfield IL 62701
 217/785-5631
 Fax 217/782-2896

G) Related Rulemaking and Other Pertinent Information: None

q) Part(s) (Heading and Code Citation): Business Corporation Act, 14 Ill. Adm. Code 1501) Rulemaking:

A) Description: Section 4.05 of the Business Corporation Act was amended, effective July 1, 2001, to expand the distinguishability standard to not only corporations, but limited liability companies as well.

B) Statutory Authority: Implemented and authorized by Section 4.05 of the Business Corporation Act (805 ILCS 5/4.05).

C) Scheduled Meeting/Hearing Dates: Unknown

D) Date Agency Anticipates First Notice: Unknown

E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: None

F) Agency Contact Person for Information:

Helen Conlee
 Department of Business Services
 Howlett Building, Room 330

SECRETARY OF STATE

JULY 2002 REGULATORY AGENDA

Springfield IL 62756
217/782-4009
Fax 217/782-4528

G) Related Rulemaking and Other Pertinent Information: None

r) Part(s) (Heading and Code Citation): Business Corporation Act, 14 Ill. Adm. Code 150

1) Rulemaking:

A) Description: The Department of Business Services location was moved from 17 North State Street, Room 1137, Chicago IL 60602 to 69 West Washington Street, Room 1240, Chicago IL 60602.

B) Statutory Authority: Implemented and authorized by Article 5 of the Business Corporation Act (805 ILCS 5/5)

C) Scheduled Meeting/Hearing Dates: Unknown

D) Date the Agency Anticipates First Notice: Unknown

E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: None

F) Agency Contact Person for Information:

Helen Conlee
Department of Business Services
Howlett Building, Room 330
Springfield IL 62756
217/782-4009
Fax 217/782-4528

G) Related Rulemaking and Other Pertinent Information: None

s) Part(s) (Heading and Code Citation): Limited Liability Company Act, 14 Ill. Adm. Code 178.

1) Rulemaking:

A) Description: This rulemaking sets forth the type of information available for purchase and the requirements to obtain that information.

B) Statutory Authority: Implemented and authorized by the Limited

SECRETARY OF STATE

JULY 2002 REGULATORY AGENDA

Liability Company Act (805 ILCS 180)

C) Scheduled Meeting/Hearing Dates: Unknown

D) Date the Agency Anticipates First Notice: Unknown

E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: None

F) Agency Contact Person for Information:

Michael Vincent
Department of Business Services
Howlett Building, Room 351
Springfield, IL 62756
217/782-4875
Fax 217/782-4528

G) Related Rulemaking and Other Pertinent Information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 23, 2001 through July 30, 2001 and have been scheduled for review by the Committee at its August 7, 2001 or September 11, 2001 meetings in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
9/5/01	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	3/16/01 25 Ill Reg 3806	8/7/01
9/6/01	Department of Natural Resources, Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill Adm Code 530)	6/8/01 25 Ill Reg 7037	8/7/01
9/6/01	Department of Natural Resources, Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)	6/8/01 25 Ill Reg 7057	8/7/01
9/7/01	Department of Human Services, Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill Adm Code 553)	5/11/01 25 Ill Reg 5980	8/7/01
9/12/01	Department of Children and Family Services, Office of Inspector General (01G) (89 Ill Adm Code 430)	6/1/01 25 Ill Reg 6810	9/11/01
9/12/01	Illinois Commerce Commission, Non-Discrimination in Affiliate Transactions for Gas Utilities (83 Ill Adm Code 550)	9/22/00 24 Ill Reg 14114	9/11/01

2001-410
A SOCCER ODYSSEY DAY

WHEREAS, the purpose of the Illinois State Soccer Association is to serve its membership in providing for the development, promotion, supervision and administration of adult amateur soccer in the State of Illinois; and

WHEREAS, aside from promoting the game, the Illinois State Soccer Association's administrative duties include, but are not restricted to, registration, player discipline, insurance administration and record keeping. Other responsibilities include the organization of various cups, the Illinois Select Teams and the promotion of international games; and

WHEREAS, the Illinois State Soccer Association has been in existence for more than 85 years and is the governing body of adult soccer in Illinois; and

WHEREAS, the Illinois State Soccer Association is affiliated with the United States Amateur Soccer Association (USASA) and the United States Soccer Federation (USFS); and

WHEREAS, the Illinois State Soccer Association is comprised of over 22 affiliated soccer leagues overseeing approximately 18,000 players. Its committees include referee and coaching units which license thousands of people annually; and

WHEREAS, the members of the Illinois State Soccer Association are located throughout Chicago, its suburbs, and central and southern Illinois. Members are men and women, young adults through veterans, competitive and recreational, indoor and outdoor;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 27, 2001, as 2001: A SOCCER ODYSSEY DAY in Illinois.

Issued by the Governor July 19, 2001.
Filed by the Secretary of State July 26, 2001.

2001-411
GHANAFAEST DAY

WHEREAS, the Ghana National Council of Metropolitan Chicago was registered as a not-for-profit corporation with the Illinois Secretary of State's Office on January 4, 1984; and

WHEREAS, the corporation is community based and seeks to promote general welfare and unity, establish and maintain friendly relations, promote better understanding and educate the general community about Ghanaian, other African, African American and the Caribbean cultures; and

WHEREAS, volunteer members of the Ghana National Council of Metropolitan Chicago organize an annual festival to promote and educate the general public about the Ghanaian and African cultural heritage, featuring programs that educate and enlighten the public and youth; and

WHEREAS, on Saturday, July 28, 2001, the Ghana National Council of Metropolitan Chicago will celebrate the 12th annual Ghanafest in Washington Park;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 28, 2001, as GHANAFAEST DAY in Illinois.

Issued by the Governor July 19, 2001.
Filed by the Secretary of State July 26, 2001.

2001-412

LEX MUNDI DAYS

WHEREAS, the City of Chicago, Illinois, on August 3-5, is the site of the 2001 Annual and North American Regional Meetings of Lex Mundi, the world's leading association of independent law firms; and

WHEREAS, Lex Mundi is composed of 158 member law firms with 14,000 attorneys located in 375 offices in 150 countries, states and provinces; and

WHEREAS, the host law firm for the 2001 Lex Mundi meetings is Sonnenschein Nath & Rosenthal, the exclusive Illinois member of Lex Mundi; and

WHEREAS, Sonnenschein Nath & Rosenthal, a 500-member law firm headquartered in Chicago, Illinois, since its founding in 1906, is host to the 300 Lex Mundi members and guests from throughout the Americas, Europe, Asia and Africa who will attend the meetings in Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 3-5, 2001, as **LEX MUNDI DAYS** in Illinois.

Issued by the Governor July 19, 2001.

Filed by the Secretary of State July 26, 2001.

2001-413

SRI CHINMOY PEACE STATE

WHEREAS, since 1986, over 70 countries have joined the Sri Chinmoy Peace-Blossoms program to symbolize the worldwide hope for peace; and

WHEREAS, transcending national, racial, religious, social and cultural barriers, the Sri Chinmoy Peace Blossoms serve as daily reminders to millions of people that as human beings we have far more in common to unite us than we have differences to divide us; and

WHEREAS, the Peace-Blossoms take their name from Sri Chinmoy, an international peace advocate who has been spreading a message of peace by fostering peace within the hearts and lives of individuals in many nations through his creative literary, musical and artistic offerings; through his inspirational Oneness-Home Peace Run; and through his encouragement of the spirit of self-improvement and mutual harmony among world luminaries and local citizens alike; and

WHEREAS, the Sri Chinmoy Oneness-Home Peace Run is an international relay run whose runners carry an Olympic-style Peace Torch through communities worldwide offering each person the chance to join and take a step for peace; and

WHEREAS, the Peace Run began on April 14, 2001, in New York and will enter the State of Illinois at Richmond on July 23 and reach Chicago on July 24; and

WHEREAS, the role of a Sri Chinmoy Peace-Blossom State is to encourage its citizens and neighbors to foster humanity's most precious resource of peace, thereby ensuring that this land will be both fruitful and fulfilling for all of our citizens and for all those who succeed us;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim the State of Illinois as a **SRI CHINMOY PEACE STATE**.

Issued by the Governor July 19, 2001.

Filed by the Secretary of State July 26, 2001.

2001-414

CHITRAHAR NIGHT 2001: A REUNION

WHEREAS, Chitrahhar Broadcasting is holding its much-anticipated 18th annual cultural community event at the Chicago Hilton & Towers, International Ballroom at 7 p.m. on Saturday, July 21, 2001; and

WHEREAS, Chitrahhar is the only television program that caters to the social, cultural and political needs of the entire South Asian community in the Midwest for the past two decades; and

WHEREAS, to further preserve the South Asian culture among future generations, Chitrahhar presents Chitrahhar Night, an extravaganza of music, food, pageantry, dramas, exotic fashions, and folk, film, and classical dances from South Asia; and

WHEREAS, Chitrahhar also recognizes the efforts of individuals who work with the community and who have excelled within the fields of medicine, science and business with an awards presentation at each event;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 21, 2001, as **CHITRAHAR NIGHT 2001: A REUNION** in Illinois.

Issued by the Governor July 19, 2001.

Filed by the Secretary of State July 26, 2001.

2001-415

HEATHER'S LAW DAY

WHEREAS, the State of Illinois is committed to the safety of all its citizens, communities and visitors; and

WHEREAS, this commitment encompasses the driving and riding public; and

WHEREAS, House Bill 2161, known as Heather's Law, amends the Illinois Vehicle Code to allow the Secretary of State to deny the issuance or renewal of a permit to a minor driver who has pending charges of causing an accident that resulted in a fatality or other serious injury; and

WHEREAS, this bill will protect our young drivers and help eliminate injuries and deaths caused by negligent behavior, such as the death of Heather Rae Sandstrom, for whom this bill is named; and

WHEREAS, Heather was on the Honor Roll throughout her years at Springfield Public Schools; and

WHEREAS, Heather was an active member of Springfield Southeast High School's cheerleading squad; and

WHEREAS, Heather was voted by her peers as a member of Springfield Southeast High School's Homecoming Court her freshman year 1999-2000; and

WHEREAS, the students, faculty and staff of Springfield Southeast High School deserve a special thanks for their successful support of this bill;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 24, 2001, as **HEATHER'S LAW DAY** in Illinois in honor of Heather Rae Sandstrom.

Issued by the Governor July 23, 2001.

Filed by the Secretary of State July 26, 2001.

2001-416

BUFFALO GROVE HIGH SCHOOL FITNESS CENTER DAY

WHEREAS, perseverance, teamwork, self-discipline, commitment to a goal and the belief in racial, gender and ethnic equality are fostered by and promoted by both academic and athletic pursuits; and

WHEREAS, it takes tremendous dedication and hard work for a student to be

successful both in the classroom and in fitness objectives; and

WHEREAS, the integration of modern technology into exercise and health studies, combined with the opportunity, supervision and equipment works to provide students with the best possible environment to gain the benefits that regular exercise can offer; and

WHEREAS, the dedication of two years toward planning and fund raising by the school for its new fitness center has resulted in a state-of-the-art facility;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 17, 2001, as *BUFFALO GROVE HIGH SCHOOL FITNESS CENTER DAY* in Illinois.

Issued by the Governor July 25, 2001.

Filed by the Secretary of State July 26, 2001.

2001-417

NATIONAL BLACK PROSECUTOR ASSOCIATION DAYS

WHEREAS, the National Black Prosecutors Association (NBPA) is the only professional membership organization dedicated to the advancement of blacks as prosecutors; and

WHEREAS, NBPA is emerging as the international association of black law enforcement professionals with a reputation for providing education and leadership in the legal profession through its intensive training sessions and multi-disciplined networking; and

WHEREAS, the Association's membership is comprised of more than 800 prosecutors nationwide and in Canada, and includes current and former prosecutors, law students and law enforcement personnel; and

WHEREAS, the goal of the NBPA is to ensure not only retention of blacks in prosecution, but also to correct the dramatic inequity that exists with respect to black representation in the executive ranks of prosecutors' offices; and

WHEREAS, a further goal is to recruit, train and mentor younger aspiring lawyers for leadership roles in the years ahead; and

WHEREAS, NBPA will hold its 18th annual convention from August 19-25, 2001, in Chicago; and

WHEREAS, the theme of this year's convention is "Saving Children, Protecting Victims and Serving Justice";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 19-25, 2001, as *NATIONAL BLACK PROSECUTOR ASSOCIATION DAYS* in Illinois.

Issued by the Governor July 25, 2001.

Filed by the Secretary of State July 26, 2001.

2001-418

POLISH SOLDIER DAY

WHEREAS, in 1921, Poland proclaimed August 15 as Polish Soldier Day to celebrate the victory over the Red Army at the Battle on Vistula on August 15, 1920; and

WHEREAS, in pre-war Poland, Polish Soldier Day was an important and popular holiday, commemorating the glorious past of the military in the country's struggle for independence and serving as an occasion to grant distinctions to Poland's servicemen; and

WHEREAS, although the communists ceased observing Polish Soldier Day, it was re-established as a state holiday by the new government in 1990, thus

carrying on a pre-war tradition; and

WHEREAS, Polish Americans contribute greatly to the State of Illinois in all areas including arts, business, science, medicine, law, government and public services;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 15, 2001, as *POLISH SOLDIER DAY* in Illinois.

Issued by the Governor July 25, 2001.

Filed by the Secretary of State July 26, 2001.

2001-419

SCHWABEN VEREIN DAYS

WHEREAS, the Schwaben Verein will be celebrating its 124th Schwaben Fest (Cannstatter Volksfest) this year on August 17-19, 2001, at the Schwaben Center in Buffalo Grove, Illinois; and

WHEREAS, thanks to the hard work of President George Boehm and the Board of Directors of the Schwaben Verein, as well as the individual members who donate their time, the Festival will be successful; and

WHEREAS, the Schwaben Verein was founded in the year 1878 in Chicago to promote and protect the Schwaben heritage and culture; and

WHEREAS, the Schwaben Verein is still promoting their heritage today by sponsoring many functions each year;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 17-19, 2001, as *SCHWABEN VEREIN DAYS* in Illinois.

Issued by the Governor July 25, 2001.

Filed by the Secretary of State July 26, 2001.

2001-420

UKRAINIAN INDEPENDENCE DAY

WHEREAS, Ukrainian Americans are exemplary citizens who still preserve their traditions, take pride in the history of freedom, and believe in equality and human rights; and

WHEREAS, Ukrainian Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our state; and

WHEREAS, the Ukrainian community of the Chicago metropolitan area will be commemorating the 10th anniversary of Ukraine's declaration of independence;

and

WHEREAS, the program will include a religious service, dignitaries will speak and Ukrainian American singing and dancing groups will perform; and

WHEREAS, there will be a Ukrainian independence memorial plaque unveiling at the Ukrainian Cultural Center; and

WHEREAS, we are grateful for their significant contributions to the advancement of the arts, science, business, medicine, and education to our state and its citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 24, 2001, as *UKRAINIAN INDEPENDENCE DAY* in Illinois.

Issued by the Governor July 25, 2001.

Filed by the Secretary of State July 26, 2001.

